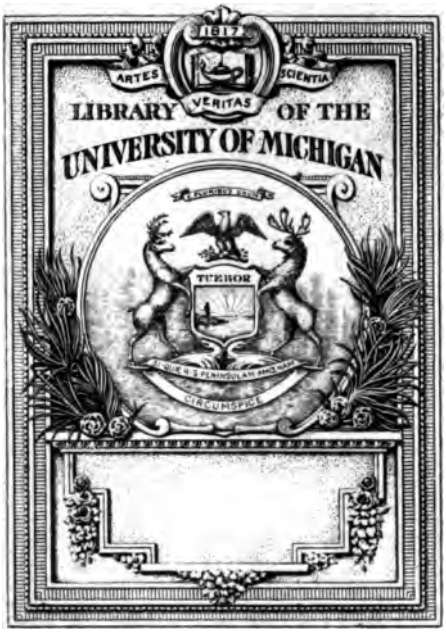
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STATE DOCUMENTS

ON

FEDERAL RELATIONS:

THE STATES AND THE UNITED STATES.

NUMBER VI.

SLAVERY AND THE UNION, 1845-1861.

EDITED WITH NOTES BY

HERMAN V. AMES, Ph.D.

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STATE DOCUMENTS

ON

FEDERAL RELATIONS:

THE STATES AND THE UNITED STATES.

NUMBER VI.

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123. Massachusetts Against the Mexican War and Slavery.

April 26, 1847.

Resolutions condemning the policy of the administration in the war with Mexico were passed in the sessions of 1846–47 by Vermont, Rhode Island, Maryland and Massachusetts. The latter is given below as typical. A few of the northern legislatures favored the war, although opposing the extension of slavery, as appears in the resolves of New York and Michigan of Feb., 1847. Some of the Southern States defended the administration against these attacks, notably three series of resolutions of Alabama of the sessions of 1847–48, and the elaborate resolves of Mississippi of March 4, 1848.

References: 29 *Cong.*, 2 *sess.*, *Senate Doc.*, II, No. 97; III, Nos. 122, 207; *House Exec. Doc.*, IV, Nos. 81, 85; 30 *Cong.*, 1 *sess.*, *Senate Misc.*, No. 85; *Acts of Vt.*, Oct. sess., 1846, 48, 49; *Acts of Mich.*, 1847, 193–195; *Laws of New York*, 1847, 377; *Laws of Alabama*, 1847–48, 447, 448, 456, 457; *Laws of Miss.*, 1848, 524, 525; *Niles*, LXXI, 371; Von Holst, III, 239–255, 335–338.

Resolved, That the present war with Mexico had its primary

origin in the unconstitutional annexation to the United States of the foreign State of Texas; that it was unconstitutionally commenced by the order of the President, to General Taylor, to take military possession of territory in dispute between the United States and Mexico, and in the occupation of Mexico; and that it is now waged by a powerful nation against a weak neighbor—unnecessarily and without just cause, at immense cost of treasure and life, for the dismemberment of Mexico, and for the conquest of a portion of her territory, from which slavery has already been excluded, with the triple object of extending slavery, of strengthening the slave power, and of obtaining the control of the Free States, under the Constitution of the United States.

Resolved, That such a war of conquest, so hateful in its objects, so wanton, unjust and unconstitutional in its origin and character, must be regarded as a war against freedom, against humanity, against justice, against the Union, against the Constitution, and against the free states; and that a regard for the true interests and highest honor of the country, not less than the impulses of Christian duty, should arouse all good citizens to join in efforts to arrest this war, and in every just way to aid the country to retire from the position of aggression which it now occupies toward a weak, distracted neighbor, and sister republic.

Resolved, That our attention is directed anew to the "wrong and enormity" of slavery, and to the tyranny and usurpation of the "slave power," as displayed in the history of our country, particularly in the annexation of Texas, and the present war with Mexico; and that we are impressed with the unalterable conviction, that a regard for the fair fame of our country, for the principles of morals, and for that righteousness which exalteth a nation, sanctions and requires all constitutional efforts for the destruction of the unjust influence of the slave power, and for the abolition of slavery within the limits of the United States.

[*Acts and Resolves of Massachusetts*, 1846–48, 541, 542.]

The Wilmot Proviso and Slavery in the Territories.

1846-1850.

The efforts to secure the adoption by Congress of the Wilmot Proviso in August, 1846, and in February, 1847, and the later contest to obtain the recognition of a similar principle in the organization of the government in the newly acquired territory, were instrumental in calling out resolutions during the period 1846–1850, from the legislatures of nearly all the States. During the year 1847 all of the New England and Middle States, together with Ohio and Michigan passed resolutions favoring the Wilmot Proviso, while prior to the ratification of the treaty with Mexico, March 16, 1848, the legislatures of Virginia, Missouri, Alabama and Texas had vigorously opposed it.

An even larger number of resolutions were prompted by the discussion relative to the organization of the territories during the years 1848–1850. The following States passed resolves; those in opposition to slavery extension were: 1848, New Hamp., Vt., New York, Ohio (2), Wis.; 1849, New Hamp., Vt. (2), Mass., R. I., Conn., New York, Ill., Mich., Wis.; 1850, Mass., R. I. (2), Conn., New York, New Jersey, Ind., Mich. (3), Wis. Those in favor of the extension were: 1848, So. Carolina; 1849, Va., No. Carolina, So. Carolina, Florida, Missouri; 1850, Md., Va., Ga., Miss. (2), Texas. Typical resolutions from both sections follow.

References: For the texts of the resolutions see *Session Laws* of the several States, also the following congressional documents: 29 *Cong.*, 2 *sess.*, *Senate Doc.*, Nos. 122, 149, 153, 207, 219; *House Exec. Doc.*, Nos. 73, 89, 101; 30 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 15, 17; *House Misc.*, Nos. 2, 19, 27, 84, 85, 91, 96; 30 *Cong.*, 2 *sess.*, *Senate Misc.*, Nos. 38, 41, 48, 51, 61, 62; *House Misc.*, Nos. 6, 9, 10, 12, 34, 42, 56, 58, 62; 31 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 24, 52, 108, 121; *House Misc.*, Nos. 3, 4, 5, 10, 22, 25. General references: Channing and Hart, *Guide*, §196; Von Holst, III, 284–327; Wilson, II, chs. ii, iii; Greeley, I, 187–198; Greeley, *Slavery Extension*, 44–52; Lalor, III, 1114–1117; Burgess, 334–359; Rhodes, I, 89-98; Schouler, IV, 543; V, 66–70, 95–99, 115–120; W. H. Smith, I, ch. iv; Thorpe, U. S. II, 418-425; Curtis, II, 257–259; Benton, II, 694–700; *Niles*, LXXIII, 44.

124. Pennsylvania Favors the Wilmot Proviso.

January 22, 1847.

The following resolves are typical of the early resolutions adopted by the Northern States, referred to above. Some of these, as those of Ohio, Feb. 8, 1847, also included the exclusion of slavery from the Territory of Oregon. (*Local Laws of Ohio*, 1846–47, 214.)

Whereas, The existing war with Mexico may result in the acquisition of new territory to the Union;

And whereas, Measures are now pending in Congress, having in view the appropriation of money and the conferring authority upon the treaty making power to this end; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators and our Representatives in Congress be requested to vote against any measure whatever, by which territory will accrue to the Union, unless, as a part of the fundamental law upon which any contract or treaty for this purpose is based, slavery or involuntary servitude, except for crime, shall be forever prohibited.

[Resolutions of transmission.]

[*Laws of Pennsylvania, 1847, 489, 490.*]

125. Virginia Against the Wilmot Proviso.

March 8, 1847.

After the adoption of the Wilmot Proviso the second time by the House of Representatives, Feb. 15, 1847, Calhoun, on Feb. 19, in connection with a speech in the Senate in which he denounced the Proviso and called upon the South to repudiate compromise and stand upon their rights, presented a set of resolutions containing the new doctrine that Congress can impose no restrictions on slavery in the Territories.[1] (*Works*, IV, 339–349; *Niles*, LXXI, 407, 408. See also his speech and proceedings at Charleston, March 9, 1847. *Works*, IV, 394, 395; *Niles*, LXXII, 39, 40, 73–75; and his letter to a member of the Alabama Legislature, Benton, II, 698–700.) These led to an acrimonious debate between Benton and Calhoun. (*Benton*, II, 696–698; Calhoun, *Works*, IV, 362–382; *Niles*, LXXII, 223, 225.) Calhoun's resolutions were not pressed to a vote, but the principles underlying them were generally adopted in the South and found expression in the resolutions of several of the Southern Legislatures. (*Ante*, p. 243.) The first of these, the Virginia resolutions, were adopted unanimously, March 8, 1847, and contained in the second resolve the assertion of this doctrine in very nearly the language of Calhoun's second resolution. These typical resolutions, known as the "Platform of the South," are given below. The Virginia Legislature re-enacted these

[1] The resolutions of Georgia of Dec. 22, 1835, had maintained the legality of slavery in all the Territories, but this view was not urged until Calhoun presented his resolutions. *Acts of Georgia*, 1835, 29.

resolutions with additions, Jan. 20, 1849. (*Acts of Virginia*, 1848–49, 257, 258; *Senate Misc.*, 30 *Cong.*, 2 *sess.*, I, No. 48; *House Misc.*, No. 56; *Niles*, LXXV, 73.)

The Legislature of Alabama, in Dec., 1847, not only asserted the same in strong language but also declared that the Constitution "does not authorize it [Congress] to deprive or to empower others to deprive, a citizen of any of the said States of his property whatever it may be, in any such territory, except for 'public use,' and upon making 'just compensation' therefor," and announced that it would "act in concert with and make common cause with the other slave-holding States, for the defence, in any manner that may be necessary, of the institution [slavery] aforesaid." (*Acts of Ala.*, 1847–48, 450, 451.) The Texas Legislature, March 18, 1848, affirmed the same doctrine and declared "we will never submit to a usurpation of power which robs us of our rights." (*House Misc.*, 30 *Cong.*, 1 *sess.*, No. 91. See also *Ibid.*, No. 27.) About this time the doctrine of "squatter sovereignty" was brought forward (Speech of Dickinson, Jan. 12, 1848, *Cong. Globe*, 30 *Cong.*, 1 *sess.*, 159, 160; see also his resolutions, *Ibid.*, 21; and the Cass-Nicholson letter, *Niles*, LXXIII, 293), which alarmed Calhoun and other Southern leaders who denounced it. Yancey, of Alabama, secured its condemnation by the Alabama Democratic Convention in the so-called "Alabama Platform of 1848." This was approved by the Democratic party in some of the other Southern States, but Yancey's resolution was rejected by the National Democratic Convention of 1848 by a vote of 36 to 216. (Du Bose, *Yancey*, 199–220; Brown, *The Lower South*, 131–133; *Niles*, LXXIII, 392; Von Holst, III, 351–365; Wilson, II, 133. For letter of Gov. Brown, of Miss., to Gov. Smith, of Va., on receipt of the Virginia resolutions, see *Niles*, LXXII, 178.)

Whereas a bill appropriating money to prosecute war or negotiate peace with the Republic of Mexico, has passed the house of representatives of the United States, with the following proviso attached thereto: "*Provided*, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virture of any treaty which may be negotiated between them, and to the use by the executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted." And this general assembly deeming this proviso to be destructive of the compromises of the constitution of the United States, and an attack on the dearest rights of the south, as well as a dangerous and alarming usurpation by the federal government: Therefore;

1. *Be it resolved unanimously by the general assembly of Virginia,* That the government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of slavery, and that in taking any such control, it transcends the limits of its legitimate functions by destroying the internal organization of the sovereignties who created it.

2. *Resolved unanimously,* That all territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power, belongs to the several states of this union, as their joint and common property, in which each and all have equal rights, and that the enactment by the federal government of any law which should directly or by its effects prevent the citizens of any state from emigrating with their property of whatever description into such territory would make a discrimination unwarranted by and in violation of the constitution and the rights of the states from which such citizens emigrated, and in derogation of that perfect equality that belongs to the several states as members of this Union, and would tend directly to subvert the Union itself.

3. *Resolved,* That if in disregard alike of the spirit and principles of the act of congress on the admission of the state of Missouri into the Union, generally known as the Missouri compromise, and of every consideration of justice, of constitutional right and of fraternal feeling, the fearful issue shall be forced upon the country, which must result from the adoption and attempted enforcement of the proviso aforesaid as an act of the general government, the people of Virginia can have no difficulty in choosing between the only alternatives that will then remain of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity.

4. *Resolved unanimously,* That the general assembly holds it to be the duty of every man in every section of this confederacy, if the Union is dear to him, to oppose the passage of any law for whatever purpose, by which territory to be acquired may be subject to such a restriction.

5. *Resolved unanimously,* That the passage of the above-men-

tioned proviso makes it the duty of every slaveholding state, and of all the citizens thereof, as they value their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united and concerted action in this emergency.

[Resolutions of transmission.]

[*Acts of Virginia*, 1846–47, 236.]

126. Vermont on Slavery in the Territories and District of Columbia

October Session, 1848.

During this period the Legislature of Vermont adopted annually radical resolutions in condemnation of slavery. Those following are typical and represent the extreme Northern position. So offensive were the resolves of Vermont of Nov. 3, 1846, and of New Hampshire of June 30, 1847, that the copies transmitted to Virginia were returned by direction of the Legislature of that State. (*Acts of Vt., Oct. sess.*, 1846, 48, 49; *Senate Doc.*, 29 *Cong.*, 2 *sess.*, II, No. 97; *House Exec. Doc.*, IV, No. 81; *Laws of New Hamp., June sess.*, 1847, 488; *Senate Misc.*, 30 *Cong.*, 1 *sess.*, No. 17; *Acts of Va.*, 1846–47. 236, 237; *Niles*, LXXI, 333.) Similarly the resolutions of Vermont of Nov, 12, 1849, were returned by the Legislatures of Virginia and Maryland. (*Acts of Vt., Oct. sess.*, 1849, 47, 48; *House Misc.*, 31 *Cong.*, 1 *sess.*, I, No. 4; *Acts of Va.*, 1849–50, 234; *Laws of Md.*, 1849–50, Res. No. 28. For debate in Congress on the printing of the Vt. Res., see *Globe*, 31 *Cong*, 1 *sess.*, 119–123, 133–137, 1390; *Appx.*, 52–54, 91–97. For list of resolutions on the Wilmot Proviso see *ante*, p. 243).

The denial of the principles of the Virginia Resolution by some of the other Northern States call for especial mention. Thus New Hampshire in its resolutions of Dec. 29, 1848, declared "We rest with hope and confidence upon the opinion of the eminent jurists and statesmen, representing all parties, who declare that slavery, as a mere local institution, cannot be transferred to territories now free, without the positive interference of Congress in its behalf." (*Laws of N. H.*, 1848, 711.) Michigan, Jan. 13, 1849, asserted the principle that "slavery cannot exist without positive laws authorizing its existence." (*House Misc.*, 31 *Cong.*, 1 *sess.*, No. 10.)

The latter part of the subjoined resolves of Vermont call attention to the renewal of the agitation for the abolition of slavery and the slave trade in the District of Columbia during the period 1846–1850. (See *ante*, p. 221.) The following States passed resolves, all demanding the extinction of both slavery and the slave trade in the District with the exception of those from New York and New Jersey which related only to the slave trade: 1846, N. H.; 1848, N. H.,

R. I., Vt.; 1849, N. Y., R. I., Wis., Mass., N. J., O., Mich., Conn., Vt.; 1850, N. Y., R. I., Conn. (2). The resolution of Rhode Island of the May sess., 1848, anticipated Vermont in suggesting the removal of the seat of government. (*Laws of N. H.*, 1846, 333; *Ibid.*, 1848, 712; *Acts of Vt., Oct. sess.*, 1848, 40; *Ibid., Oct. sess.*, 1849, 48; *Acts and Res. of Mass.*, 1849, 200; *Acts and Res. of R. I., May sess.*, 1848, 11; *Ibid., Jan. sess.*, 1850, 27; *Res. and Private Acts of Conn., May sess.*, 1849, 60–63; *Ibid., May sess.*, 1850, 141–143; *Laws of N. Y.*, 1849, 727; *Ibid.*, 1850, 816–818; *Acts of N. J.*, 1849, 334; *Local Laws of Ohio*, 1848–49, 396; *Acts and Res. of Wis.*, 1849, 172; 29 *Cong.*, 2 *sess.*, *House Exec. Doc.*, No. 24; *Senate Doc.*, No. 155; 30 *Cong.* 2 *sess.*, *House Misc.*, Nos. 6, 8, 62; *Senate Misc.*, Nos. 61, 62; 31 *Cong.*, 1 *sess.*, *House Misc.*, Nos. 2, 3, 9, 22; *Senate Misc.*, Nos. 52, 121. For replies of the Southern States, see *post*, p. 253). For discussion in Cong., see esp. *Globe*, 30 *Cong.*, 2 *sess.*, 83, 84, 105–110, 211–216; *Ibid.*, 31 *Cong.*, 1 *sess.*, 79 *et seq*; Julian, *Giddings*, 258–262, 365–390.

Resolved, by the Senate and House of Representatives, That we seek, in vain, to discover any foundation for human slavery in the divine, or natural law, or the law of nations; that its origin in all cases may be traced to fraud or physical force, and that all local laws for its continuance or protection have been afterwards introduced by the slaveholders themselves to justify and perpetuate their usurpation.

Resolved, That Congress possesses and ought immediately to exercise the power to prohibit slavery in the territories of New Mexico and California; and that without such prohibition and the strong arm of the general government to enforce its observance, there is great danger that it will obtain a foothold there, not only without the aid of the local laws, but against them; thus adding a still darker stain upon our national honor, and subjecting the free States to the injustice of a still greater inequality in their representation in Congress.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to exert their efforts for the passage of a law abolishing slavery in the District of Columbia, and prohibiting the traffic in slaves between the States.

Resolved, That it is unbecoming the representatives of freemen maintaining the declaration that *liberty is inalienable* to legislate for the general welfare, while their eyes are insulted with the frequent spectacle of men, chained, shackled, and driven to

market, or confined in pens awaiting buyers; and, whereas, slavery in the District of Columbia exerts a baneful influence upon the action of Congress, checking the freedom of debate, threatening the freedom of the press, and controlling the executive departments of Washington; therefore

Resolved, That unless slavery in that district be speedily abolished by the action of Congress, with the assent of the inhabitants, it is the duty of Congress to pass a law removing the seat of government into the territory of some free State, more central, and more convenient for the nation, where the representatives of the people may be more free to legislate for the general welfare.

[*Acts and Resolves of Vermont, October Sess.*, 1848, 40, 41.]

Demand for a New Fugitive Slave Law.

The boarder States being especially exposed to the loss of their slaves through their escape to the free States and to Canada were the first to seek relief. As early as 1817 Maryland applied to Congress for the passage of a new Fugitive Slave Law, and renewed her efforts during the next few years. In 1826 she complained of the laws of Penna. and Delaware again kidnapping (McDougall, 23, 24, 107, 108; Siebert, 295–302). Kentucky, during the years 1820–27, thrice requested the government to negotiate with Great Britain relative to the return of fugitive slaves in Canada (*Acts of Ky.*, 1820, 223; *Ibid.*, 1823, 487; *Ibid.*, 1826–27, 197). Negotiations were undertaken but without effect[1] (*Niles*, XXXV, 289–291; Siebert, 299; McDougall, 25).

Following the decision in the case of *Prigg vs. Penn* (16 *Peters*, 611) in 1842 the real agitation for a new fugitive slave law began. This decision led some of the free States to pass a new class of personal liberty laws which greatly interferred with the rendition of fugitive slaves. The growth of abolition sentiment also had resulted in several cases of forcible rescue. These circumstances led the legislature of Maryland, in the Dec. session 1843, to pass resolutions calling for law making the rescue of a runaway slave a criminal offence (*Senate Doc.*, 28 *Conn.*, 1 *sess.*, IV, No. 270). Kentucky, March 1, 1847, adopted similar resolutions, which were suggested by the attack on Francis Troutman by "an abolition mob" in Marshall, Mich. (*Acts of Ky.*, 1847, 385, 386; *Senate Misc.*, 30 *Cong.*, 1 *sess.*, No. 19). The Senate Committee on the Judiciary reported a bill for a new fugitive slave law, but it was only advanced to a second reading (*Senate Reports*, No. 12). Finally the legislature

[1] Missouri renewed the suggestion Jan. 25, 1847, *Senate Doc.*, 29 *Cong.*, 2 *sess.*, III, No. 150.

of Virginia adopted an elaborate report arraigning the Northern States for their Personal Liberty Laws and suggesting radical amendments to the Fugitive Slave Law. Extracts from this report follow. Georgia also included the failure to return fugitives among her grievances (see *post*, p. 260). The legislature of New Hampshire replied to Virginia July 7, 1849, declaring her report overdrawn, and expressed "in language too broad for truth and far too angry for that courtesy which ought to be observed between sovereign States," and declaring that both sections were open to censure for their acts (*Laws of N. H., June sess.*, 1849, 874–876). Such was the situation prior to the adoption of the second Fugitive Slave Act, Sept. 18, 1850.

General References: McDougall, *Fugitive Slaves*, chs. ii, v; Siebert, *Underground Railroad*, 245, 246, 259–261, 264–267, 337, 338; Rhodes, I, 125, 126; Wilson, II, chs. v–vii; Smith, I, 68–73.

127. Extract from Report of Virginia on the Rendition of Fugitive Slaves.

February 7, 1849.

* * * * * * * *

Look well at these solemn warnings, and then look at the actual state of things in the sixtieth year of the constitution! It is simply and undeniably this: That the South is wholly without the benefit of that solemn constitutional guaranty which was so sacredly pledged to it at the formation of this Union. Our condition is precisely in effect, that which it was under the articles of the old confederation. No citizen of the South can pass the frontier of a non-slaveholding state and there exercise his undoubted constitutional right of seizing his fugitive slave, with a view to take him before a judicial officer and there prove his right of ownership, without imminent danger of being prosecuted criminally as a kidnapper, or being sued in a civil action for false imprisonment—imprisoned himself for want of bail, and subjected in his defence to an expense exceeding the whole value of the property claimed, or finally of being mobbed or being put to death in a street fight by insane fanatics or brutal ruffians. In short, the condition of things is, that at this day very few of the owners of fugitive slaves have the hardihood to pass the frontier of a non-slaveholding state and exercise their undoubted, adjudi-

cated constitutional right of seizing the fugitive. In such a conjuncture as this, the committee would be false to their duty—they would be false to their country, if they did not give utterance to their deliberate conviction, that the continuance of this state of things cannot be, and ought not to be much longer endured by the South—be the consequences what they may.

In such a diseased state of opinion as prevails in the non-slaveholding states on the subject of Southern slavery, it may well be imagined what the character of their local legislation must be. Yet it is deemed by the committee their duty to present before the country the actual state of that legislation, that the people of this commonwealth and of the entire South may see how rapid and complete has been its transition from a fraternal interest in our welfare to a rank and embittered hostility to our institutions. The legislation to be found upon this subject, on the statute books of the non-slaveholding states, may be divided into two classes. The first of which would embrace the legislation of those states, which professing a seeming respect for the obligations of the constitution, do, under the pretext of conforming to its requisitions, subject the slave owner to conditions utterly incompatible with the recovery of his slaves. * * *

But, in the maddening process which abolitionism has made in the Northern states, this class of laws has fallen far behind the spirit of the times, and has yielded to a new brood of statutes' marked by deeper venom and a more determined hostility. And in this class are embraced,

Second. The laws of those states which affect no concealment of their hatred to Southern institutions, nor of their utter and open contempt and defiance of the obligations of the federal compact.

Of this class, which is now indeed the prevailing legislation of almost the whole non-slaveholding states, an act passed by the general assembly of the state of Vermont, on the 1st day of November, 1843, may be cited as a fair illustration.[1] [Here follows the text of this act.]

Laws of similar character and in almost the same language are

[1] *Acts and Res. of Vermont*, 1843, 11.

to be found on the statute books of Massachusetts[1] and Rhode Island.[2]

But the state of Pennsylvania has gone a bowshot beyond all the rest in this new legislative war against the constitutional rights of the slaveholding states. An act was passed by the Legislature of that state on the third of March eighteen hundred and forty-seven, entitled "An act to prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace," etc.[3] * * *

But this disgusting and revolting exhibition of faithless and unconstitutional legislation must now be brought to a close. It may be sufficient to remark, that the same embittered feeling against the rights of the slaveholder, with more or less of intensity, now marks, almost without exception, the legislation of every non-slaveholding state of this Union. So far, therefore, as our rights depend upon the aid and co-operation of state officers and state legislation, we are wholly without remedy or relief.

* * * * * * * *

Against such a current of popular feeling and prejudice as now prevails on this subject in the non-slaveholding states, it will, therefore, be difficult to legislate, so as to accomplish the full and perfect enforcement of our rights, at all times and under all circumstances. Still, much of the evil that now threatens to disturb the relations between the two great divisions of this confederacy, and to endanger the future peace and tranquillity of this nation, may be repressed by wise, energetic and judicious legislation upon the part of Congress. We, at least, shall have discharged our duty to our country, by pointing out, in an honest spirit, to that tribunal having cognizance of the subject, those remedies which may control and restrain the evil within the limits of a patient endurance. Upon Congress, if it shall refuse to adopt the suggestion herein set forth, or wiser or better remedies than those suggested, be the painful responsibility of the consequences that must inevitably follow. * * *

[*Acts of Virginia*, 1849–1850, 240–254 *passim*.]

[1] *Laws of Mass.*, 1843, 33.

[2] *Acts and Res. of R. I.*, 1848, 12.

[3] *Laws of Penna.*, 1847, 206.

Calling a Southern Convention.

The discussion over slavery was vigorously renewed in Congress in the session of 1848–49. Early in the session, December 23, 1848, a caucus of sixty-nine Southern Delegates was held. An "Address to the people of the Southern States" was finally issued January 22, 1849, originally drawn by Calhoun, but amended as adopted. It reviewed the grievances of the South and called for "unity among ourselves," to resist any application of the Wilmot Proviso. (Calhoun's *Works*, VI, 290–313; *Niles*, LXXV, 84–88; see for Berrien's proposed substitute, *Niles*, LXXV, 101–104, for minority address, *Ibid.*, 231–233. Calhoun's Correspondence on address, *Amer. Hist. Assoc. Rept.*, 1899, II, 761–763). General references: Von Holst, III, 417–423; Benton, II, 753–756; Schouler, V, 115–118; Rhodes, I, 104, 105; Smith, I, 107, 108. This address found a general response in the public opinion of the South, as the resolutions of several State legislatures and public meetings show. South Carolina already Dec. 15, 1848, had declared "that the time for discussion has passed, and that this General Assembly is prepared to coöperate with her sister States in resisting the application of the Wilmot Proviso * * * at any and all hazard." *Rept. and Res. of So. Car.*, 1848, 147; *Senate Misc.*, 30 *Cong.*, 2 *sess.*, I, No. 51. Florida, Jan. 13, 1849, announced herself ready to join other States "for the defence of our rights, whether through a Southern Convention or otherwise," *Ibid.*, II., No. 58, Virginia, Jan. 20, 1849, re-enacted her resolves of 1847, and made provision for a special session of the legislature, should Congress pass the obnoxious laws. (*Ante.*, pp. 244, 245), *Ibid.*, I, No. 48; North Carolina, Jan. 27, 1849, after denouncing the restrictive legislation, suggested the extension of the Missouri compromise line to the new territory. *House Misc.*, 30 *Cong.*, 2 *sess.*, No. 54; *Laws of No. Car.*, 1848–49, 237. Missouri, March 10, 1849, asserted that the conduct of the Northern States released the slave-holding States from the compromise of 1820, and declared its willingness "to coöperate with the slave holding States for mutual protection against Northern fanaticism." *Laws of Mo.*, 1848–49, 667; *Senate Misc.*, 31 *Cong.*, 1 *sess.*, I, No. 24. See also Meigs, *Life of Benton*, 409–414. For resolution of a Charleston meeting, see *Niles*, LXXV, 191.

In the meantime in Congress on Feb. 24, 1849, occurred an important debate between Calhoun and Webster over the question of extending the Constitution to the Territories. (See *Cong. Globe*, 30 *Cong.*, 2 *sess.*, *Appx.* 272–274; *Niles*, LXXV., 148–150; Webster's *Works*, V, 308; Curtis, *Webster*, II, 364-372; Benton, II, 713–715, 729–733; Von Holst, III, 443–455; for remarks on resolves in *Cong. Globe*, 30 *Cong.*, 2 *sess.*, 440, 456). The session ended without any agreement in regard to the government of the Territories.

Calhoun, as a means of uniting and organizing the South in order either to compel concessions from the North or prepare for secession, directed his efforts to secure the assembling of a Southern Convention. (See his corre-

spondence of April, 1849, to Feb., 1850. *Amer. Hist. Assoc. Repts.*, 1899, II, 764-782, in *passim*; letters to him, *Ibid.*, II, 1102–04, 1135–39, 1204–12. Mississippi formally inaugurated the movement,[1] explicitly following Calhoun's suggestion. (Letter to C. S. Tarpley of Miss., July 9, 1849, *Cong. Globe*, 32 *Cong.*, 1 *sess.*, *Appx.* 52). The Southern State Convention assembled at Jackson in Oct., 1849. After reviewing the situation, it issued "An Address to the Southern States," inviting them to send delegates to a convention to be held at Nashville, June 3, 1850, "with the view and hope of arresting the course of aggression, and, if not practicable, then to concentrate the South in will, understanding, and action," and as the possible ultimate resort the calling of another "like regularly constituted convention of all the assailed States, to provide, in the last resort, for their separate welfare by the formation of a compact and a Union, that will afford protection to their liberties and rights." *Cong. Globe*, 31 *Cong.*, 1 *sess.*, 578.

The resolves of the Legislature of Miss., embodying those of the Jackson Convention are given below. *Laws of Miss.*, 1850, 521–526; *Senate Misc.*, 31 *Cong.*, 1 *sess.*, I, No. 110. Another set of resolves were adopted by the Miss. Legislature on the same date, referring the question of the admission of California to the Nashville Convention. *Laws of Miss.*, 1850, 526–528, *Cong. Globe*, 579. Both Senators Foote and Jefferson Davis defended in Congress the action of Mississippi in calling the Convention, when presenting the resolutions of the Legislature in the spring of 1850. *Cong. Globe*, 577–579, 941–944. See also article by J. W. Garner, "The First Struggle over Secession in Miss.," in *Miss. Hist. Soc. Pub.*, IV, 89–92; Claiborne, *Life and Correspondence of John A. Quitman*, II, 21–26; *Cong. Globe*, 32 *Cong.*, 2 *sess.*, *Appx.* 63, 174; Schouler, V, 153–157; Thorpe, *U. S.*, II, 440, 441.

During the winter of 1849–50, the movement for the Convention grew in popularity, owing to the strained situation in Congress, and nine of the Southern States accepted the invitation and chose delegates (See *Post*, p. 262). References for the action of several States are: So. Car., Dec. 19, 1849, *Repts. & Res. of So. Car.*, 1849, 312–314; Texas, Feb. 11, 1850, *Law of Texas*, 1850, 171; Ga., Feb. 6, 1850, *Acts of Ga.*, 1849–50, 418; Va., Feb. 12, 1850, *Acts of Va.*, 1849–50, 233, 234.

128. Mississippi Calls a Southern Convention.

March 6, 1850.

* * * We have arrived at a period in the political existence of our country, when the fears of the patriot and philanthropist may well be excited, lest the noblest fabric of constitutional gov-

[1] The primary meeting was held May 7, 1849.

ernment on earth may, ere long, be laid in ruins by the elements of discord, engendered by an unholy lust for power, and the fell spirit of fanaticism acting upon the minds of our brethren of the non-slave holding States, and that beneath its ruins will be forever burried the hopes of an admiring world for the political regeneration of the enslaved millions. The fact can no longer be disguised, that our brethren of the free States, so called, disregarding the compromises of the constitution—*compromises without which* it never would have received the sanction of the slave-holding States, are determined to pursue towards those States a course of policy, and to adopt a system of legislation by Congress, destructive of their best rights and most cherished domestic institutions. In vain have the citizens of the slave States appealed to their brethren of the free States, in a spirit of brotherly love and devotion to that constitution framed by our fathers and cemented by their blood, as a common shield and protection for the rights of all their descendants. In vain have they invoked the guarantees of that sacred instrument, as a barrier to the encroachments of their brethren upon their rights. The spirit of forebearance and concession, which has been for more than thirty years manifested and acted on by the slave-holding States, has but strengthened the determination of their Northern brethren, to fasten upon them a system of legislation in regard to their peculiar domestic relations, as fatal in its effects to their prosperity and happiness as members of the confederacy, as it is unjust and contrary to the principles and provisions of the constitution.

Slavery, as it exists in the Southern States, recognized and protected by the constitution of the United States, is a domestic relation, subject to be abolished or modified by the sovereign power alone of the States in which it prevails; it is not a moral or political evil, but an element of prosperity and happiness both to the master and slave.

Abolish slavery, and you convert the fair and blooming fields of the South into barren heaths; their high-souled and chivalrous proprietors into abject dependents—and the *now* happy and contented slaves into squalid and degraded objects of misery and wretchedness!

The Southern States have remonstrated and forborne until forebearance is no longer a virtue.—The time has arrived when, if they hope to preserve their existence as equal members of the confederacy, and to avert the calamities which their Northern brethren, actuated by an insatiate and maddening thirst for power would entail upon them, they must prepare to act—to act with resolution, firmness and unity of purpose, trusting to the righteousness of their cause and the protection of the Almighty Ruler of the destinies of nations, who ever looks benignently upon the exertions of those, who contend for the prerogatives of freemen; therefore, be it

Resolved by the Legislature of the State of Mississippi,

That they cordially approve of the action of the Southern State Convention, held at the city of Jackson, on the first Monday of October, 1849, and adopt the following resolutions of said body as declaratory of the opinions of this Legislature and of the people of the State of Mississippi.

1st. Resolved, That we continue to entertain a devoted and cherished attachment to the Union, but we desire to have it as it was formed, and not as an engine of oppression.

2nd. Resolved, That the institution of slavery in the Southern States is left, by the constitution, exclusively under the control of the States in which it exists, as a part of their domestic policy, which they, and they only, have the right to regulate, abolish or perpetuate, as they may severally judge expedient; and that all attempts on the part of Congress, or others, to interfere with this subject, either directly or indirectly, are in violation of the constitution, dangerous to the rights and safety of the South, and ought to be promptly resisted.

3d. Resolved, That Congress has no power to pass any law abolishing slavery in the District of Columbia, or to prohibit the slave trade between the several States, or to prohibit the introduction of slavery into the territories of the United States, and that the passage by Congress of any such law, would not only be a dangerous violation of the constitution, but would afford evidence of a fixed and deliberate design, on the part of that body, to interfere with the institution of slavery in the States.

4th. Resolved, That we would regard the passage, by Congress, of the "Wilmot proviso," (which would, in effect, deprive the citizens of the slave-holding States of an equal participation in the territories acquired equally by their blood and treasure), as an unjust and insulting discrimination—to which these States cannot without political degradation, submit; and to which this convention, representing the feelings and opinions of the people of Mississippi, solemnly declare they will not submit.

5th. Resolved, that the passage of the "Wilmot Proviso," or of any law abolishing slavery in the District of Columbia, by the Congress of the United States, would, of itself, be such a breach of the federal compact, as, in that event, will make it the duty, as it is the right, of the slave-holding States, to take care of their own safety, and to treat the non-slave-holding States as enemies to the slave-holding States and their domestic institutions.

6th. Resolved, That in view of the frequent and increasing evidence of the determination of the people of the non-slave-holding States, to disregard the guarantees of the constitution, and to agitate the subject of slavery, both in and out of Congress, avowedly for the purpose of effecting its abolition in the States; and also, in view of the facts set forth in the late "Address of the Southern Members of Congress," this convention proclaims the deliberate conviction, that the time has arrived when the Southern States should take counsel together for their common safety, and that a convention of the slave-holding States should be held at Nashville, Tennessee, on the first Monday in June next, to devise and adopt some mode of resistance to these aggressions.

* * * * * * * *

8th. Resolved, That it is the duty of the Congress of the United States to provide territorial organization and governments for all the territories acquired by the common blood and treasure of the citizens of the several States; and to provide the means of enforcing in said territories, the guarantees of the constitution of the United States in reference to the property of citizens of any of the States removing to any of said territories with the same, without distinction or limitation.

[*9th.* Appropriating money to defray expense of delegates to Nashville Convention and for convening the legislature if the safety of the South requires the separate or united action of the slave-holding States.]

10th. Be it further resolved, That in the event of the passage by the Congress of the United States of any of the measures enumerated in the preceding resolutions, and such action therein by the Convention of the slave-holding States, to be held in Nashville on the first Monday of June next, as shall, in the opinion of the Legislature, render a Convention of the Legislature necessary for the assertion and defense of their sovereign and constitutional rights, the Governor is hereby authorized and required to issue writs of election to the several counties of the State for the choice of delegates to said Convention. * * *

[*11th* and *12th* Resolves made provision for election of twelve delegates to Nashville Convention and for their payment.]

13th. Be it further resolved, That the State of Mississippi will stand by and sustain her sister States of the South in whatever course of action may be determined on by the convention of slave-holding States, to be held at Nashville on the first Monday of June next.

[*Laws of Mississippi, January–March* 1850, 521–526, *in passim.*]

Resolves on the Proposed Compromise Measures.

The famous debate in Congress upon Clay's Compromise measures and the failure to reach any agreement during the spring, in addition to the movement for calling a Southern Convention, gave rise to other resolves relating to slavery, during the first half of the year 1850, emanating from both Southern and Northern States' legislatures. These not only reflect the opinion of the respective sections, but also reveal the acute fear of the disruption of the Union. The typical resolutions of Georgia and of Connecticut follow. The very strong report of Georgia is given in *Acts of Ga.*, 1849–50, 405–409; *House Jour. of Ga.*, 1849–50, 309–315; see also, Phillips, *Amer. Hist. Assoc. Report*, 1901, II, 161–164; Von Holst, IV, 8. The Legislature also passed an Act on the same day providing for the calling of a State Convention in the event contemplated in the resolutions. *Acts of Ga.*, 1849–50, 122. In addition Texas, Virginia and Mississippi passed resolves either pledging themselves "to make common cause with the sister States of the South in the defense of

their constitutional rights" (Texas) or providing for calling a Southern or State Convention in the event of the enactment of the obnoxious laws. Maryland also condemned the proposed legislation. *Laws of Texas*, 1850, 93; *Acts of Va.*, 1849–50, 233; *Laws of Miss.*, 1850, 526–528; *Laws of Md.*, 1849–50, Res. No. 37. The sentiment in the two border States of Kentucky and Tennessee was strongly in favor of the perpetuity of the Union. See Message of Gov. Crittenden of Ky., Dec. 31, 1849; Coleman, *Crittenden*, I, 350–352; Res. of Tenn., *Acts of Tenn.*, 1849–50, 572; *Senate Misc.*, 31 *Cong.*, 1 *sess.*, I, No. 66.

On the other hand, the resolves of several of the Northern States legislatures expressed bitter opposition to the proposed compromise, but for exactly opposite reasons. They pledged, however, their adherence to the Union and the compromises of the Constitution. The resolves of Rhode Island (2), New York and Massachusetts, were similar to those of Connecticut.[1] New Jersey and Mich. (2), passed resolves favoring the preservation of the Union and apparently of the Compromise. The Conn. resolves reasserted the position taken at the May session, 1849. *Res. and Private Acts of Conn., May session*, 1849, 60–73. For the two sets of Conn. resolves passed at the May session, 1850, see 31 *Cong.*, 1 *sess.*, *Senate Misc.*, I, No. 121, *House Misc.*, I, No. 22. See *ante.*, p. 243, also *Acts and Res. of R. I., Jan. sess.*, 1850, 27; *Ibid., May sess.*, 1850, 6; *Acts of New York*, 1850, 816; *Acts and Res. of Mass.*, 1849–51, 518; *Acts of Mich.*, 1850, 453; *Senate Misc.*, 31 *Cong.*, 1 *sess.*, I, Nos. 52, 78, 80, 94. For debate in Mass. Legislature see Wilson, II, ch. xxi.

General references on Compromise of 1850: Channing & Hart, *Guide*, § 197; MacDonald, 378; Calhoun, *Works*, IV, 535–578; Jenkins, *Calhoun*, 415–439; *Amer. Hist. Assoc. Report*, 1899, II, 785–787; Webster, *Works*, V, 324–366, 373–405, 412–438; Sewards, *Works*, I, 51–131; Benton, II, chs. 189, 190; Curtis, *Webster*, II, chs. xxxvi, xxxvii; Lodge, *Webster*, 299–322; Rhodes, I, chs. ii, iii; Von Holst, III, chs. xv, xvi; Nicolay and Hay, *Lincoln*, I, chs. xiii–xviii; Thorpe, *U. S.*, II, 431–455; Schouler, V, 153–173, 178–187, 196–201; Smith, *Pol. Hist. of Slavery*, I, 113–129; Greeley, *Slavery Extension*, 54–70; Schurz, *Clay*, II, ch. xxvi; Bancroft, *Seward*, I, ch. xv; Hart, *Chase*, 120–130; Stephens, *War between the States*, II, 176–240; Pierce, *Sumner*, III, chs. xxxiv, xxxv; Lalor, I, 552–554; Wilson, *Slave Power*, II, chs. xx–xxiv.

129. Resolutions of Georgia.

February 8, 1850.

Whereas, The people of the non-slaveholding States have commenced and are persisting in a system of encroachment upon the

[1] New York also opposed the claim of Texas to New Mexico.

Constitution and the rights of a portion of the people of this confederacy, which is alike unjust and dangerous to the peace and perpetuity of our cherished nation; be it

1st. Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly convened, That the Government of the United States is one of limited powers, and cannot rightfully exercise any authority not conferred by the Constitution.

2d. Resolved, That the Constitution grants no power to Congress to prohibit the introduction of slavery into any territory belonging to the United States.

3d. Resolved, That the several States of the Union acceded to the confederacy upon terms of perfect equality, and that the rights, privileges and immunities secured by the Constitution belong alike to the people of each State.

4th. Resolved, That any and all territory acquired by the United States, whether by discovery, purchase or conquest, belongs in common to the people of each State, and thither the people of each State and every State have a common right to emigrate with any property they may possess, and that any restriction upon this right which will operate in favor of the people of one section to the exclusion of those of another is unjust, oppressive and unwarranted by the Constitution.

5th. Resolved, That slaves are recognized by the Constitution as property, and that the Wilmot Proviso, whether applied to any territory at any time heretofore acquired, or which may be hereafter acquired, is unconstitutional.

6th. Resolved, That Congress has no power, either directly or indirectly, to interfere with the existence of slavery in the District of Columbia.

7th. Resolved, That the refusal on the part of the non-slaveholding States to deliver up fugitive slaves who have escaped to said States, upon proper demand being made therefor, is a plain and palpable violation of the letter of the Constitution and an intolerable outrage upon Southern rights, and that it is the imperative duty of Congress to pass laws providing for the enforcement of this provision of the Constitution by federal, judicial and ministerial officers responsible to the Federal Government.

8th. Resolved, That in the event of the passage of the Wilmot Proviso by Congress, the abolition of slavery in the District of Columbia, the admission of California as a State in its present pretended organization, or the continued refusal of the non-slaveholding States to deliver up fugitive slaves as provided in the Constitution, it will become the immediate and imperative duty of the people of this State to meet in convention to take into consideration the mode and measure of redress.

9th. Resolved, That the people of Georgia entertain an ardent feeling of devotion to the union of these States, and that nothing short of a persistence in the present system of encroachment upon our rights by the non-slaveholding States can induce us to contemplate the possibility of a dissolution.

10th. Resolved, That his Excellency the Governor be requested to forward copies of these resolutions to each of our Senators and Representatives in Congress, to the Legislatures of the several States, except Vermont and Connecticut, and to the President of the United States.

[*Acts of Georgia,* 1849–50, 409, 410.]

130. Resolves of Connecticut.

May Session, 1850.

Resolved, That Congress has full constitutional power to prohibit slavery in the territories of the United States, by legislative enactment, and that it is the duty of Congress to pass, without unnecessary delay, such strict and positive laws as will effectually shut out slavery from every portion of their territories.

Resolved, That Congress has like full constitutional power to remove slavery, and the slave trade, from the District of Columbia, and that this power should be at once exercised for the immediate prohibition of the slave trade therein, and for the abolition of slavery, upon such terms of compensation to the slaveholders as may be just and reasonable.

Resolved, That in the name of the people of Connecticut, we do hereby solemnly reaffirm an unalterable attachment to the

Federal Union, and our inflexible determination to adhere to our national constitution, and abide by all its compromises, to the letter and spirit of the same; while with equal unalterable and inflexible purpose, deterred by no threats of disunion, we shall forever oppose any and every measure of compromise, by which any portion of the territory now belonging to, or which may hereafter be acquired by the United States, shall be given up to, or left unprotected against the encroachments of slavery.

Resolved, That the integrity and permanence of American power on the Pacific Ocean, the increase of our commerce and wealth, the extension of our institutions, and the cause of human freedom on this continent, require the immediate admission of California into this Union, with her present Constitution, and the boundaries therein defined, without any reference to any other question or measure whatever.

Resolved, That inasmuch as the legislation necessary to give effect to the clause of the Constitution of the United States, relating to the delivering up of fugitive slaves, is within the exclusive jurisdiction of Congress, we hold it to be the duty of that body to pass such laws only in regard thereto as will secure to all persons whose surrender may be claimed, as having escaped from labor or service in another State, the right of having the validity of such claim determined by a jury in the State where such claim shall be made.

[Resolutions of transmission.]

[*Res. and Private Acts of Conn. May sess.*, 1850, 141–143.]

131. The Nashville Convention.

While Congress was still laboring with the Compromise measures, the delegates chosen by nine Southern States assembled in convention at Nashville, Tenn., June 3–12, 1850. The convention was composed of 175 delegates, divided among nine states, as follows: Va., 6, S. Car., 17, Ga., 4, Flor., 4, Ala., 22, Miss., 12, Tex., 1, Ark., 2, Tenn., 100, but each state delegation cast but one vote. *Jour. of the Convention*, 25–29. Judge Wm. L. Sharkey, of Miss., was chosen President, *Ibid.*, 23. In his opening address he declared that "the object of the originators of the convention was not to dissolve the Union." "It had not been called to prevent, but to perpetuate the Union." (*N. Y. Tribune*, June 4, 1850.)

An address to the people of the fourteen Southern States, prepared by R. B. Rhett, of S. C., was issued. It reviewed the slavery agitation in Congress and condemned the pending measures. *Journal*, 9–22. A set of thirteen resolutions, drawn by John A Campbell, of Ala., were unanimously adopted on June 10th, and on the following day fifteen additional resolutions were similarly agreed to. *Journal*, 57–64. These resolutions follow. A copy of the *Resolutions, Address and Journal of Proceedings of the Southern Convention. Held at Nashville, Tennessee, June 3d to 12th inclusive, in the Year 1850* [Nashville, 1850, Pp. 65], is in the Harvard University Library. The first thirteen resolves are given in Cluskey, *Political Text Book* (2d ed.), 595, 596; also portions in the *Cong. Globe*, 32 *Cong.*, 1 *sess*, *Appx.* 337.

A second session of the Convention assembled at Nashville, November 11–19, 1850. Judge Sharkey, having accepted the Compromise measures, which in the meantime had been adopted, refused to issue the call for this session. The Convention, accordingly, irregularly assembled and was poorly attended by the representatives of those Southerners who were still disaffected. Some 70 delegates were present from the seven following states: Ala., Fla., Ga., Miss., So. Car., Tenn. and Va. Ex-Governor Chas. J. MacDonald, of Ga., the Vice-President, presided. Resolutions offered by Miss. were adopted, Tenn. alone dissenting. These affirmed the right of a State to secede from the Union, denounced the acts of Congress as unjust, and recommended a general Congress of Southern States to maintain Southern rights and preserve the Union if possible. These are given in Cluskey, 596–598. Also the Tennessee resolutions submitted as a substitute, *Ibid.*, 598, 599. Reports of the Convention are given in the *Boston Journal* and the *New York Herald*, Nov. 13, 20, and *The New York Tribune*, Nov. 27, 1850. General references: Von Holst, III, 531–534, IV, 3, 4; Rhodes, I, 173, 174, 196; Benton, II, ch. 198; Du Bose, *Yancey*, 247–249; Wilson, II, 286, 287.

Resolves of the Southern Convention at Nashville.

June 10, 11, 1850.

1. *Resolved*, That the territories of the United States belong to the people of the several States of this Union as their common property. That the citizens of the several States have equal rights to migrate with their property to these territories, and are equally entitled to the protection of the federal government in the enjoyment of that property so long as the territories remain under the charge of that government.

2. *Resolved*, That Congress has no power to exclude from the territory of the United States any property lawfully held in the

States of the Union, and any acts which may be passed by Congress to effect this result is a plain violation of the Constitution of the United States.

3. *Resolved*, That it is the duty of Congress to provide governments for the territories, since the spirit of American Institutions forbids the maintenance of military governments in time of peace, and as all laws heretofore existing in territories once belonging to foreign powers which interfere with the full enjoyment of religion, the freedom of the press, the trial by jury, and all other rights of persons and property as secured or recognized in the Constitution of the United States, are necessarily void so soon as such territories become American territories, it is the duty of the federal government to make early provision for the enactment of those laws which may be expedient and necessary to secure to the inhabitants of and emigrants to such territories the full benefit of the constitutional rights we assert.

4. *Resolved*, That to protect property existing in the several States of the Union the people of these States invested the federal government with the powers of war and negotiation and of sustaining armies and navies, and prohibited to State authorities the exercise of the same powers. They made no discrimination in the protection to be afforded or the description of the property to be defended, nor was it allowed to the federal government to determine what should be held as property. Whatever the States deal with as property the federal government is bound to recognize and defend as such. Therefore it is the sense of this Convention that all acts of the federal government which tend to denationalize property of any description recognized in the Constitution and laws of the States, or that discriminate in the degree and efficiency of the protection to be afforded to it, or which weaken or destroy the title of any citizen upon American territories, are plain and palpable violations of the fundamental law under which it exists.

5. *Resolved*, That the slaveholding States cannot and will not submit to the enactment by Congress of any law imposing onerous conditions or restraints upon the rights of masters to remove with their property into the territories of the United States, or to any

law making discrimination in favor of the proprietors of other property against them.

6. *Resolved*, That it is the duty of the federal government plainly to recognize and firmly to maintain the equal rights of the citizens of the several States in the territories of the United States, and to repudiate the power to make a discrimination between the proprietors of different species of property in the federal legislation. The fulfilment of this duty by the federal government would greatly tend to restore the peace of the country and to allay the exasperation and excitement which now exists between the different sections of the Union. For it is the deliberate opinion of this Convention that the tolerance Congress has given to the notion that federal authority might be employed incidentally and indirectly to subvert or weaken the institution existing in the States confessedly beyond federal jurisdiction and control, is a main cause of the discord which menaces the existence of the Union, and which has well nigh destroyed the efficient action of the federal government itself.

7. *Resolved*, That the performance of this duty is required by the fundamental law of the Union. The equality of the people of the several States composing the Union cannot be disturbed without disturbing the frame of American institutions. This principle is violated in the denial to the citizens of the slaveholding States of power to enter into the territories with the property lawfully acquired in the States. The warfare against this right is a war upon the Constitution. The defenders of this right are the defenders of the Constitution. Those who deny or impair its exercise, are unfaithful to the Constitution, and if disunion follows the destruction of the right they are the disunionists.

8. *Resolved*, That the performance of its duties, upon the principle we declare, would enable Congress to remove the embarrassments in which the country is now involved. The vacant territories of the United States, no longer regarded as prizes for sectional rapacity and ambition, would be gradually occupied by inhabitants drawn to them by their interests and feelings. The institutions fitted to them would be naturally applied by governments formed on American ideas, and approved by the deliberate

choice of their constituents. The community would be educated and disciplined under a republican administration in habits of self government, and fitted for an association as a State, and to the enjoyment of a place in the confederacy. A community so formed and organized might well claim admission to the Union and none would dispute the validity of the claim.

9. *Resolved*, That a recognition of this principle would deprive the questions between Texas and the United States of their sectional character, and would leave them for adjustment without disturbance from sectional prejudices and passions, upon considerations of magnanimity and justice.

10. *Resolved*, That a recognition of this principle would infuse a spirit of conciliation in the discussion and adjustment of all subjects of sectional dispute, which would afford a guarantee of an early and satisfactory determination.

11. *Resolved*, That in the event a dominent majority shall refuse to recognize the great constitutional rights we assert, and shall continue to deny the obligations of the Federal Government to maintain them, it is the sense of this convention that the territories should be treated as property, and divided between the sections of the Union, so that the rights of both sections be adequately secured in their respective shares. That we are aware this course is open to grave objections, but we are ready to acquiesce in the adoption of the line of 36 deg. 30 min. north latitude, extending to the Pacific ocean, as an extreme concession, upon considerations of what is due to the stability of our institutions.

12. *Resolved*, That it is the opinion of this Convention that this controversy should be ended, either by a recognition of the constitutional rights of the Southern people, or by an equitable partition of the territories. That the spectacle of a confederacy of States, involved in quarrels over the fruits of a war in which the American arms were crowned with glory, is humiliating. That the incorporation of the Wilmot Proviso in the offer of settlement, a proposition which fourteen States regard as disparaging and dishonorable, is degrading to the country. A termination to this controversy by the disruption of the confederacy or

by the abandonment of the territories to prevent such a result, would be a climax to the shame which attaches to the controversy which it is the paramount duty of Congress to avoid.

13. *Resolved*, That this Convention will not conclude that Congress will adjourn without making an adjustment of this controversy, and in the condition in which the Convention finds the question before Congress, it does not feel at liberty to discuss the methods suitable for a resistance to measures not yet adopted, which might involve a dishonor to the Southern States.

[Resolves 14–18 support the territorial claims of Texas, and assert the obligation of the government to admit four new slave-holding States, in addition to the State of Texas, out of the remaining territory.]

19. *Resolved*, That the whole legislative power of the United States Government is derived from the Constitution and delegated to Congress, and cannot be increased or diminished but by an amendment to the Constitution.

20. *Resolved*, That the acquisition of territory by the United States, whether occupied or vacant, either by purchase, conquest or treaty, adds nothing to the legislative power of Congress, as granted and limited in the Constitution.

21. *Resolved*, That the adoption of a foreign law existing at the time, in territory purchased, ceded or granted, is the exercise of legislative power, and cannot be done unless the law is of such a character as might rightfully be enacted by Congress under the Constitution, without reference to its pre-existence as a foreign law.

22. *Resolved*, That the alleged principle of the law of nations, recognizing, to some extent, the perpetuation of foreign laws in existence within a territory at the time of its acquisition by purchase, conquest or treaty, *cannot*, under our Constitution and form of government, go to the extent of continuing in force, in such territory, any law that could not be directly enacted by Congress, by virtue of the powers of legislation delegated to it by the Constitution.

23. *Resolved*, That no power of doing any act or thing by any of the Departments of our Government can be based upon the

principles of any foreign law, or of the laws of nations, beyond what exists in such Department under the Constitution of the United States, without reference to such foreign law or the laws of nations.

24. *Resolved*, That slavery exists in the United States independent of the Constitution. That it is recognized by the Constitution in a three-fold aspect, first as property, second as a domestic relation of service or labor under the law of a State, and lastly as a basis of political power. And viewed in any or all of these lights, Congress has no power under the Constitution to create or destroy it anywhere; nor can such power be derived from foreign laws, conquest, cession, treaty or the laws of nations, nor from any other source but an amendment of the Constitution itself.

25. *Resolved*, That the Constitution confers no power upon Congress to regulate or prohibit the sale and transfer of slaves between the States.

26. *Resolved*, That the reception or consideration by Congress of resolutions, memorials or petitions, from the States in which domestic slavery does not exist, or from the people of the said States, in relation to the institution of slavery where it does exist, with a view of effecting its abolition, or to impair the rights of those interested in it, to its peaceful and secure enjoyment, is a gross abuse and an entire perversion of the right of petition as secured by the federal Constitution, and if persisted in must and will lead to the most dangerous and lamentable consequences; that the right of petition for a redress of grievances as provided for by the Constitution was designed to enable the citizens of the United States to manifest and make known to Congress the existence of evils under which they were suffering, whether affecting them personally, locally or generally, and to cause such evils to be redressed by the people and competent authority, but was never designed or intended as a means of inflicting injury on others or jeopardizing the peaceful and secure enjoyment of their rights, whether existing under the Constitution or under the sovereignty and authority of the several States.

27. *Resolved*, That it is the duty of Congress to provide effect-

ual means of executing the 2d section of the 4th article of the Constitution, relating to the restoration of fugitives from service or labor.

28. *Resolved*, That when this Convention adjourn, it adjourn to meet at Nashville, in the State of Tennessee, the 6th Monday after the adjournment of the present session of Congress, and that the Southern States be recommended to fill their delegations forthwith.

[*Resolutions, Address and Journal of the Southern Convention*, 3–8.]

Action of the Southern States on the Compromise. The Secession Movement Checked

1850–1852.

The adoption of the series of compromise measures by Congress, between Aug. 13 and Sept. 20, 1850, was acquiesced in by the majority of Southerners,[1] but in a few of the States their enactment at first gave an impetus to the movement for secession. Georgia was the first State to take official action. Close upon the adjournment of Congress, Gov. George W. Towne, in accordance with the Act of February 8, 1850 (*Acts of Ga.*, 1849, 122, Ante. p. 258) issued a proclamation on September 23, calling a convention of the people to meet December 10 (*New York Tribune*, Sept. 28, 1850). Ex-Gov. McDonald led the secessionists, but three Congressmen, Robert Toombs, Howell Cobb and Alexander H. Stephens supported the acceptance of the compromise and their influence prevailed. This convention adopted an elaborate report together with the subjoined resolutions by a vote of 237 to 19. These soon were celebrated as the "Georgia Platform." See *Journal of the State Convention*, Dec., 1850, 18, 19, 26, 27, 32. Extracts are given in Cluskey, 599, 600; Stephens, *War Between the States*, II, 676, 677.[2] General references: Article by Phillips, *Amer. Hist. Assoc. Report*, 1901, II, 163–167; *Cong. Globe*, 32 *Cong.*, 1 *sess.*, *Appx.* 255–258, 319–322, 342–345; Stovall, *Life of Toombs*, chs. vi, vii; Johnson & Browne, *Stephens*, 258–260; Stephens, II, 234, 235; Von Holst, IV, 8, 9, 214, note; Coleman, *Crittenden*, I, 364–376; Harden, *Life of Troup*, *Appx.* xx.

The Georgia platform exerted great influence in the other Southern States.

[1] A protest signed by ten senators from Southern States, to the bill for the admission of California, which passed the Senate August 13, 1850, was presented the following day. Its reception was refused. *Cong. Globe*, 31 *Cong.*, 1 *sess.*, 1578–1580, 1588; Cluskey, 605, 606; Benton, II, 769–772.

[2] Stephens gives the 4th article without the amendment adopted.

In Alabama a Union Legislature and Governor were chosen, but the secessionists under the lead of Yancey organized a Southern Rights Association, and held a convention in the spring of 1851. An attempt was made to adopt the Georgia platform in the Legislature, but although it was approved by the Senate, it was defeated in the House. Garrett, *Reminiscences of Public Men in Alabama*, 544–548; DuBois, *Yancey*, 261, 262; Brown, *Alabama*, 210.

The Maryland Constitutional Convention, called to frame a new Constitution, unanimously adopted Dec. 10, 1850, a series of resolves on the Compromise, declaring their acquiescence, although the measures did not fully meet the just demands of the South. Further, that the fugitive slave law "is but a tardy and meagre measure of compliance with the clear, explicit and imperative injunction of the Constitution," that "the repeal of that law or the failure to enforce its provisions" would lead to "a dissolution of the Union." From a copy in *Exec. Docs. of No. Car.*, 1850–51, I, No. 18. See also *Johns Hopkins Univ. Studies*, XX, 415; for reply of Gov. Collier of Alabama, see *Debates of Md. Convention*, 1850, I, 384.

Tennessee repudiated the Southern Convention held in her capital, by electing a Whig Governor and Legislature in 1851. The latter, Feb. 28, 1852, adopted a set of strong resolutions, denying the constitutional rights of secession, although admitting that of revolution under certain circumstances, pledging their support to the President in all legal means in executing the laws, and approving the Compromise measures. *Acts of Tenn.*, 1851–52, 719–721; Phelan, *History of Tennessee*, 434–437.

In Mississippi and South Carolina the secessionists made a vigorous fight. Gov. John A. Quitman, of Miss., was an avowed and active advocate of secession. The State's delegation in Congress, with the exception of Senator Foote, who supported the Compromise, advocated resistance. Gov. Quitman issued a proclamation calling the legislature to meet in special session, Nov. 18, 1850, to take action on the situation (Claiborne, *Quitman*, II, 43). In his message to the legislature, he zealously presented his views. (*Ibid*, 46–51; *Globe*, 32 *Cong.*, 1 *sess.*, *Appx.* 336.) That body on Nov. 30, passed resolutions censuring Foote (*Senate Misc.*, 31 *Cong.*, 2 *sess.*, No. 2), indorsed the Governor's position and adopted his suggestion by calling a State Convention to assemble in Nov., 1851, to consider the state of federal relations. There followed a bitter contest between the "Southern Rights Party" and "The Union Party," for the election of delegates to the Convention, which resulted in the triumph of the Union party, and in the choice of Foote as Governor. Foote had been a candidate against Quitman, and after the latter's withdrawal against Jefferson Davis.

The Convention was in session Nov. 10 to 17, 1851. It adopted resolutions substantially in accord with the Georgia Platform with only three dissenting votes. Among its resolves, the 4th declared "That in the opinion of this Convention the asserted right of secession from the Union on the part of the State or States is utterly unsanctioned by the Federal Constitution," etc. It

also rebuked the legislature for calling the Convention without first having submitted the question to the people. This reversed all that had been done by the secessionists and summarily checked the movement to break up the Union.[1]

References: For resolutions and other documents see *Journal of the Conventions of the State of Mississippi*, 19, 20, 27–30, 47, 48 [Jackson, 1851]. J. F. H. Claiborne, *Life and Correspondence of John A. Quitman*, II, 36–52, 133–143, 148–151; *Cong. Globe*, 32 *Cong.*, 1 *sess.*, 35, 36, 49–65, 282–285; *Appx.* 336–342, 355–359. See an excellent article by J. W. Garner, in *Miss. Hist. Soc. Pub.*, IV, 93–104; also, Reuben Davis, *Recollections of Mississippi and Mississippians*, 315–324; Jefferson Davis, *Rise and Fall of Confederate Government*, I, ch. iii; Von Holst, IV, 4–7, 29, 35, 36, 105, 106; Rhodes, I, 226, 227; Smith, I, 137, 138.

132. The Georgia Platform.

December, 1850.

To the end, therefore, that the position of this State may be clearly apprehended by her confederates of the South and of the North, and that she may be blameless of all future consequences.

Be it resolved by the people of Georgia in Convention assembled, First, That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate; that past associations, present fruition, and future prospects, will bind us to it so long as it continues to be the safeguard of those rights and principles.

Secondly, That if the thirteen original parties to the contract bordering the Atlantic in the narrow belt, while their separate interests were in embryo, their peculiar tendencies scarcely developed, their revolutionary trial and triumphs still green in memory, found Union impossible without compromise, the thirty-one of this day may well yield somewhat, in the conflict of opinion and policy, to preserve that Union which has extended the sway of republican government over a vast wilderness, to another ocean, and proportionately advanced civilization and national greatness.

[1] For action of South Carolina and Virginia see *post*, 272–276. In the remaining states the Compromise was generally accepted.

Thirdly, That in this spirit, the State of Georgia has maturely considered the action of Congress embracing a series of measures for the admission of California into the Union; the organization of territorial governments for Utah and New Mexico; the establishment of a boundary between the latter and the State of Texas; the suppression of the slave trade in the District of Columbia, and the extradition of fugitive slaves; and (connected with them) the rejection of propositions to exclude slavery from the Mexican territories and abolish it in the District of Columbia, and whilst she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

Fourthly, That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to a disruption of every tie which binds her to the Union, any action of Congress, upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquility, the rights and the honor of the slave-holding States; or any act suppressing the slave trade between the slave-holding States, or in any refusal to admit as a State any territory hereafter applying because of the existence of slavery therein; or in any act prohibiting the introduction of slaves into the territories of Utah and New Mexico, or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

Fifthly, That it is the deliberate opinion of this Convention that upon the faithful execution of the *Fugitive Slave Law* by the proper authorities depends the preservation of our much loved Union.

[*Journal of the State Convention, Dec.* 1850, 18, 19, 26, 27, 32.]

133. South Carolina Asserts the Right of Secession.

1850–52.

Public opinion in South Carolina was almost unanimously in favor of secession, but soon it was divided over the question whether the State should secede immediately and alone, or await the coöperation of other States. Gov. Seabrook's correspondence with Gov. Quitman in the fall of 1850, presents the situation (Claiborne, *Quitman*, II, 36–40). Gov. Seabrook in his message to

the Legislature of November 26, declared that "the time then has arrived to resume the exercise of the powers of self-protection," and he asserted the right of secession (*Jour. of the Senate of S. C.*, 1850, 25–30). The Legislature, acting on the suggestion of the Second Nashville Convention, for a Convention of the States vested with full powers, adopted an Act, December 20, 1850, inviting the other slave holding States to send delegates to such a Convention to assemble in Montgomery, Ala., January 2, 1852, and made provision for the appointment of their representatives.[1] The same Act providing for the holding of a State Convention at the call of the Governor, to consider the final action of the State. (*Act of S. C.*, Dec., 1850, 55–57.) Another Act of the same date appropriated $350,000 for the defence of the State.[2] (*Ibid.*, 57–59. For debate on secession in this Legislature see *Amer. Annual Cyclopædia*, 1861, 646.)

During the year 1851, the agitation over the question of immediate and independent action of South Carolina or coöperation with other States continued. In May the Southern Rights Association held a Convention, and adopted resolutions declaring that if necessary South Carolina would proceed "without the coöperation of other Southern States." (*New York Tribune*, May 13, 1851.) Gov. J. H. Means, in a letter to Gov. Quitman May 12, predicted that the next Legislature would call the Convention together and that body would take action for the State to secede. (Claiborne, *Quitman*, II, 133, 134.) The fall election of delegates to the proposed Southern Congress, however, was a defeat for the independent secessionists. Gov. Means gave expression to his disappointment in his annual message, Nov. 25, 1851. (*Senate Journal of So. Car.*, 1851, 19, 20.) But the radical party succeeded in securing the passage by the Legislature of an Act, Dec. 16, 1851, for the assembling of the State Convention in April, 1852. (*Acts of So. Car.*, 1851, 100.) The election of delegates to the Convention resulted in the choice of 114 coöperationists to 54 secessionists. (*Tribune Almanac*, 1852, 43.) The Convention assembled at Columbia and was in session April 26–30, 1852, 168 delegates were in attendance. Gov. Means was chosen President. The report of a special committee, presented by Langdon Cheeves, contained the subjoined Resolutions and Ordinance. They were adopted by a vote of 136 to 19. For text see the *Journal of the State Convention of South Carolina*, 18, 19. [Columbia, 1852.]

The collapse of the South Carolina secession movement at this time is explained by Gov. Means in his message of Nov. 23, 1852, as due to the strife

[1] The Virginia Legislature, March 29, 1851, adopted resolutions declining to send delegates to the proposed Convention and appealed to South Carolina not to secede. *Acts of Va.*, 1850–51, 201. (See *post*, 275.)

[2] A report accompanying an appropriation of $10,000 for the publication of the Calhoun Manuscripts, set forth the South Carolina Doctrine. *Reports and Res. of S. C.*, 1850, 152–155.

between the parties, the one urging separate action, and the other advocating coöperation. "The discussion of these conflicting opinions produced the bitterest party feeling. Amid the convulsive throes of this fierce strife, the question of our wrongs was almost forgotten. * * * "The members of the Convention determined to bury all bitter feelings which had generated by the late contest. * * * The principles which have ever been held dear amongst us, were not only reaffirmed but set forth in the solemn form of an Ordinance." The Governor then called attention to the violation of the fugitive slave law and predicted that "Further aggressions—which will surely come—will convince our Sister Southern States, that the institution upon which not only the prosperity of the South but Republicanism itself depends, is no longer safe in the Union. Then we may hope that they will rise in the majesty of their strength and spirit, and in conjunction with us, either force our rights to be respected in the Union or take our place as a Southern Confederacy amongst the nations of the earth." *Journal of the Senate of So. Car.*, 1852, 29, 30.

General references: Van Holst, IV, 30–35, 111–115, 214; Greeley, I, 211; Rhodes, I, 226; *DeBow's Review*, XXIX, 754, 755. Two important contemporary pamphlets favoring secession are, *The Southern States, Their Present Peril and Their Certain Remedy*, etc. [by John Townsend], Charleston, Sept., 1850, Pp. 31 (Advocated coöperation), and *The Position and Course of the South*, by William H. Trescot, Charleston, 1850, Pp. 20. For Senator Rhett's speech in Congress, Dec., 15, 16, 1851, avowing himself a secessionist, see *Cong. Globe, Appx.*, 32 *Cong.*, 1 *sess.*, 44–48, 61–65.

Resolved by the people of South Carolina in Convention assembled, That the frequent violations of the Constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in the relation to slavery, amply justifies this State, so far as any duty or obligation to her confederates is involved, in dissolving at once all political connection with her co-States, and that she forbears the exercise of this manifest right of self-government from consideration of expediency only.

AN ORDINANCE *to declare the right of this State to secede from the Federal Union.*

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That South Carolina, in the exercise of her sovereign will, as an independent State, acceded to the Federal Union, known as the United States of America, and that in the exercise

of the same sovereign will it is her right, without let, hindrance or molestation from any power whatsoever, to secede from the said Federal Union, and that for the sufficiency of the causes which may impel her to such separation she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth.

134. Resolutions of Virginia Relative to the Action of South Carolina.

March 29, 1851.

Although the Virginia Legislature had passed strong resolutions against the Wilmot Proviso in 1847 and in 1849 (Ante, pp. 244, 253), and Feb. 12, 1850, had favored the calling of a Southern Convention, and in certain contingencies of a State Convention (Ante, p. 258), the State was now disposed to accept the Compromise measures, as the following resolutions of the Legislature show. The attempt to substitute a strong state rights resolution in the Senate received only three votes. *Senate Jour. of Va.*, 1851, 209. *Acts of Va.*, 1850–51, 200; Von Holst, IV, 31; Rhodes, I, 226.

Whereas, The legislature of the State of South Carolina has passed an act to provide for the appointment of delegates to the Southern Congress, "to be entrusted with full power and authority to deliberate with the view and intention of arresting further aggression, and if possible of restoring the constitutional rights of the South, and if not, to recommend due provision for their future safety and independence," which act has been formally communicated to this general assembly.

1. *Be it therefore resolved by the general assembly of Virginia*, That whilst this State deeply sympathizes with South Carolina in the feelings excited by the unwarrantable interference of certain of the non-slaveholding States with our common institutions, and whilst diversity of opinion exists among the people of this commonwealth in regard to the wisdom, justice and constitutionality of the measures of the late Congress of the United States, taken as a whole, and commonly known as the compromise measures, yet the legislature of Virginia deems it a duty to declare to her

sister State of South Carolina that the people of this State are unwilling to take any action in consequence of the same calculated to destroy the integrity of this Union.

2. *Resolved*, That regarding the said acts of the Congress of the United States, taken together, as an adjustment of the exciting questions to which they relate, and cherishing the hope that if fairly executed they will restore to the country that harmony and confidence which of late have been so unhappily disturbed, the State of Virginia deems it unwise in the present condition of the country to send delegates to the proposed Southern Congress.

3. *Resolved*, That Virginia earnestly and affectionately appeals to her sister State of South Carolina to desist from any meditated secession upon her part, which cannot but tend to the destruction of the Union and the loss to all of the States of the benefits that spring from it.

4. *Resolved*, That Virginia, believing the constitution of the United States, if faithfully administered, provides adequate protection to the rights of all the States of this confederacy, and still looking to that instrument for defence within the Union, warned by the experience of the past, the dangers of the present, and the hopes of the future, invokes all who live under it to adhere more strictly to it and to preserve inviolate the safeguards which it affords to the rights of individual States and the interests of sectional minorities.

5. *Resolved*, That all acts of legislation or combinations designed in any way injuriously to affect the institution of slavery, deserve the most unqualified reprobation, are peculiarly offensive to the Southern States, and must, if persisted in, inevitably defeat the restoration of peaceful and harmonious sentiments in the States.

Resolution of transmission.]

[*Acts of Virginia, 1850–51*, 201.]

The North on the Compromise.

1850-1852.

The majority of the people of the north also accepted the compromise. This is attested to not only by the attitude of the press and the action of public meetings (Rhodes, I, 194–196), but also by the resolve of State legislatures. Those of Delaware, Illinois, Iowa, New Hampshire in 1851, New Jersey and Connecticut in 1852, adopted resolutions in approval of the compromise. The resolves of Illinois are notable, for in addition to approving the compromise, they declare that the exercise of the power of Congress upon slavery in the territories is "unnecessary and inexpedient,[1] and they repealed the resolve of the preceding general assembly favoring the Wilmot Proviso. The resolves of Iowa, the only free state that had not previously favored the Wilmot Proviso, declared that "the Constitution of the United States is a compact, a fundamental treaty;" but those of New Jersey, which were unanimously adopted by the legislature, are of especial interest as a late assertion of the compact theory by a northern state, as well as because of the debate excited by its presentation in Congress. They are given below. (In the Senate, *Cong. Globe*, 32 *Cong.*, 1 *sess.*, 541-543; in the House, speech by Giddings, and reply by Stanley, *Globe*, 531–535, 541, 542; Julian, *Giddings*, 287–290.) All these resolutions explicitly approved of the new Fugitive Slave Law, even Connecticut, although the law was not in harmony with the demand of its resolves of 1850 (Ante, 262). For text of the above resolutions see *Laws of Del.*, 1851, 609-611; *Acts of Ill.*, 1851, 205–207; *Laws of New Hamp., June sess.*, 1851, 1083; *Res. and Private Acts of Conn., May sess.*, 1852, 10; *House Misc.*, 32 *Cong.*, 1 *sess.*, Nos. 13, 20, 65.

There was, however, some dissent. Vermont promptly reasserted its former position, condemning the new fugitive slave law.[2] *Acts and Res. of Vermont, Oct. sess.*, 1850, 53, 54. Ohio, also called for the repeal of the fugitive slave law, and the enactment of a new law giving to the fugitive "the benefit of every legal defence."[3] *Local Laws of Ohio*, 1850–51, 814.

[1] These were quoted by Stephen A. Douglas in his speech of July 9, 1858, as remaining "to this day a standing instruction to her senators." *Political Debates between Lincoln and Douglas*, 7. [Columbus, 1860.]

[2] Virginia declined to receive resolutions of the Vermont Legislature on the promotion of the peace of the world. (*Acts and Res. of Vt.*, 1850, 57), "until that body shall show itself careful of the peace of the Union, by conforming its enactments to the Constitution of the United States and the laws passed in pursuance thereof." (*Acts of Va.*, 1850–51, 202). This was doubtless prompted by the passing of a personal liberty Act by Vermont this same year. *Acts of Vt.*, 1850, 9.

[3] They also declared that the fugitive slave law "ought never to receive the voluntary co-operation of our people." Ohio it should also be mentioned, had

The rescue of certain fugitives and the opposition to the rendition of others during the year 1851, led President Fillmore in his annual message, Dec. 2, 1851, to condemn the same and pronounce the compromise measure a final settlement of the matter. (Richardson, V, 137–139.) Senator Foote of Miss., fresh from the victory in his State, introduced on the same day his "Finality Resolutions" (*Globe*, 12). This precipitated an acrimonius debate which lasted over two months. It was participated in chiefly by Southern Senators. The resolution was not brought to a vote in the Senate, but in the House a similar resolution prompted by the presentation of some of the State resolutions, especially those from New Jersey, was adopted April 5, 1852, by a vote of 103 to 74 (*Globe*, 978–983).

Charles Sumner, on August 26, 1852, in the Senate made an impassioned speech in support of a resolution in effect to repeal the fugitive slave law. This led to a bitter debate, but the proposition received but four votes in its favor. Sumner, *Works*, III, 73–75, 87–196; *Globe, Appx.*, 1102–1125; Johnston, *American Orations*, II, 268–340; Pierce, *Sumner*, III, 289–311; Storey, *Sumner*, ch. vi. Such was the situation on the eve of the Presidential campaign of 1852, in which both parties adopted the "finality plank." Rhodes, I, 243–277; Von Holst, IV, chs. iii, iv.

135. New Jersey on the Compromise Measures.

January 30, 1852.

Whereas, The Constitution of the United States is a compact between the several States and forms the basis of our Federal Union;

And whereas, The said States, through their representatives, in sovereign capacities as States, by adopting said Constitution, conceded only such powers to the general government as were necessary "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to themselves and posterity;"

renewed the idea of colonization. In 1849 she suggested the setting off a part of the territory acquired from Mexico for "the oppressed people of color." In 1850 she advocated the maintenance of Liberia and the colonization of free blacks there. *Laws of Ohio*, 1848–49, 395; *Ibid.*, 1849–50, 714. Indiana and Conn. also passed resolves favoring African colonization. *Laws of Ind.*, 1850, 247; *Ibid.*, 1851, 202; *Ibid.*, 1852, 174; *Res. and Private Acts of Conn.*, May sess., 1852, 10.

And whereas, The questions which agitated the country and absorbed so large a portion of the time of the last session of the Congress of the United States—questions in their nature directly opposed to the spirit and compromise of the Constitution, calculated to destroy our domestic tranquility and dismember our glorious Union—were happily terminated by the Compromise measures, it is deemed the imperative duty of this legislature to express their sentiments in relation thereto; therefore,

1. *Resolved*, That the Constitution of the United States was framed in the spirit of wisdom and compromise, is the bond of our Federal Union, and can only be preserved by a strict adherence to its express and implied powers; that New Jersey, one of the original thirteen States, has always adhered to the Constitution and is unalienably attached to the Union, and that she will resist, to the extent of her ability, any infraction of that sacred instrument.

2. *Resolved*, That this legislature cordially approves the measures adopted by the last session of Congress, known as the "compromise measures," and that every patriot in every part of our widely extended country has cause to rejoice in the adoption of said measures, as a triumph of constitutional rights over a spirit of wild and disorganizing fanaticism.

3. *Resolved*, That New Jersey will abide by and sustain the Compromise measures, and that her senators in the senate of the United States be instructed, and our representatives in Congress be requested, to resist any change, alteration, or repeal thereof.

4. *Resolved*, That the fugitive slave law is in accordance with the stipulations of the Constitution of the United States, and in its provisions, carries out the spirit and letter of the Constitution in its compromises, upon which our Union is founded.

5. *Resolved*, That we approve of the patriotic stand taken by the Executive of the United States in declaring his determination to execute and enforce all laws constitutionally enacted, and that the people of New Jersey will sustain him in so doing.

[Resolution of transmission.]

[House Miscellaneous Doc., 32 *Cong.*, 1st *Sess.*, No. 13.]

136. Louisiana on the Cuban Situation.

March 16, 1854.

The following resolves are illustrative of the movement in the South in favor of the annexation of Cuba. This propaganda found expression this same year in the revival of fillibustering expeditions and in the promulgation of the Ostend Manifesto, October 18, 1854. Soulé, our Minister to Spain, came from Louisiana, and his influence may have led to the passage of these resolves.

References: For the Ostend Manifesto, *House Ex. Doc.*, 33 *Cong.*, 2 *sess.*, X, No. 93; MacDonald, 405–412; *Amer. Hist. Leaflets*, No. 2. For the history of the movement see Channing and Hart, *Guide*, § 199; Latané, *Diplomatic Relations of the U. S. and Spanish America*, 105–136; Callahan, *Cuba and International Relations*, chs. vii–ix; Snow, *Amer. Diplomacy*, 344–357; Webster in *Pol. Sci. Quar.*, VIII, 1; Curtis, *Buchanan*, II, chs. iv–vi; Rhodes, II, 34–44; Von Holst, IV, 253–256; V, ch. 1; Wilson, II, ch. xlvii.

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That we view with regret and alarm the policy recently inaugurated by the government of Spain in the island of Cuba, the manifest object and effect of which must be the abolition of slavery in that colony, and the sacrifice of the white race, with its arts, commerce and civilization, to a barbarous and inferior race.

Resolved, That the consummation of this policy will exercise a most pernicious influence upon the institutions and interests, social, commercial and political, of the United States.

Resolved, That, in our judgment, the time has arrived when the Federal Government should adopt the most decisive and energetic measures to thwart and defeat a policy conceived in hatred to this Republic, and calculated to retard her progress and prosperity.

[*Senate Miscellaneous Documents*, 33 *Cong.*, 1 *sess.*, No. 63.]

The Kansas–Nebraska Bill.

1854.

On Jan. 4, 1854, Senator Douglas reported his bill for the territorial government of Nebraska. (*Senate Repts.*, 33 *Cong.*, 1 *sess.*, No. 15.) Jan. 16, Dixon of Ky., offered his amendment for the repeal of the slavery restriction

provision of the Missouri Compromise Act. Thus forced, Douglas presented, Jan. 23, his substitute measure, the Kansas-Nebraska bill, embodying the Dixon proposition. On the following day, the *Appeal of the Independent Democrats in Congress to the People of the United States* was issued. (*Cong. Globe*, 33 *Cong.*, 1 *sess.*, I, 281; *Amer. Hist. Leaflets*, No. 17.) It met with a prompt response from the North. The press, public meetings, and several State legislatures, as they assembled, denounced the measure. On the day that Douglas opened the debate, Jan. 30, the resolutions of the Democratic legislature of Rhode Island were presented to Congress. Before the approval of the bill on May 30, (*U. S. Stat. at Large*, X, 277–289), at least four other States, namely, Mass., New York, Maine and Conn., (2) had adopted resolutions against it, while Georgia, Miss., Ill., and Cal. passed resolutions favoring the measure.[1] The resolutions of Georgia and Connecticut follow. For texts of the several resolves see: *Senate Miss.*, 33 *Cong.*, 1 *sess.*, Nos. 15, 16, 22, 24, 28, 40, 48, 62, 65; *House Misc.*, Nos. 10, 16, 20, 23, 30, 32, 77; *Acts of R. I., Jan. sess.*, 1854, 275; *Acts and Res. of Mass.*, 1854, 415; *Res. of Maine*, 1854, 102; *Res. and Private Acts of Conn., May sess.*, 1854, 123–127; *Acts of Ga.*, 1853–54, 590; *Laws of Miss.*, 1854, 585; *Statutes of Cal.*, 1854, 274.

General references: Channing and Hart's *Guide*, § 199; MacDonald, *Documents*, 395–405. *Cong. Globe*, 33 *Cong.*, 1 *sess.*, *Index; Senate Reports*, I, No. 15, Burgess, ch. xix; Curtis II, 259–265; Curtis, *Hist. of the Rep. Party*, I, 136–147; Greeley, I, 224–235; Greeley, *Slavery Extension*, 71–89; Johnston, *Amer. Pol. History*, II, 141–159; Rhodes, I, 424–500; Schouler, V, 280–292; Smith, I, ch. vi; Von Holst, IV, chs. vi–viii; V, ch. i; Wilson, II, ch. xxx; Bancroft, *Seward*, I, ch. xviii; Dixon, *True History of the Missouri Compromise and its Repeal*, chs. xvii–xx; Hart, *Chase*, 133–148; Schuckers, *Chase*, 135–161; Nicolay and Hay, *Lincoln*, I, ch. xix; Julian, *Giddings*, 310–314; Pierce, *Sumner*, III, 347–361; Storey, *Sumner*, ch. vii; Sumner, *Works*, III, 336–352; Seward, *Works*, IV, 433–479; Johnston, *Amer. Orations*, III, 3–87; Stovall, *Toombs*, ch. ix; Davis, *Rise and Fall of the Confederacy*, I, ch. v; Stevens, *War between the States*, II, ch. xvii.

137. Georgia in Support of Nebraska Bill.

February 20, 1854.

The State of Georgia, in solemn convention, having firmly fixed herself upon the principles of the compromise measures of 1850, relating to the subject of slavery in the Territories of the United

[1] An unusual effort was made to secure the approval of the Legislature of Illinois. The House adopted the resolutions by a vote of 36 to 22, the Senate by 14 to 8. *Illinois House Jour.*, 1854, 167. *Senate Jour.*, 21, 26, 49, 78–81. See Nicolay and Hay, *Lincoln*, I, 366–367.

States, as a final settlement of the agitation of that question, its withdrawal from the halls of Congress and the political arena, and its reference to the people of the Territories interested therein; and distinctly recognizing in those compromise measures the doctrine that it is not competent for Congress to impose any r ictions, as to the existence of slavery among them, upon the citize moving into and settling upon the Territories of the Union, acquired or to be hereafter acquired; but that the question whether slavery shall or shall not form a part of their domestic instituti is for them alone to determine for themselves; and her present Executive having reiterated and affirmed the same fixed policy in his inaugural address.

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Legislature of Georgia, as the representatives of the people, speaking their will and expressing their feelings, have had their confidence strengthened in the settled determination of the great body of the Northern people, to carry out in good faith those principles, in the practical application of them to the bills reported by Mr. Douglas from the Committee on Territories in the United States Senate at the present session proposing the organization of a Territorial government for the Territory of Nebraska.

And be it further resolved, That our Senators in Congress be, and they are hereby, instructed, and our representatives requested, to vote for and support those principles, and to use all proper means within their power for carrying them out, either as applied to the government of the Territory of Nebraska or in any other bill for Territorial government which may come before them.

[Resolution of transmission.]

[*Acts of Georgia*, 1853–1854, 590.]

138. Connecticut Opposes the Kansas-Nebraska Bill.

May Session, 1854.

Whereas, a bill is now pending in the Congress of the United States for the organization of the Territories of Kansas and Nebraska, by which the eighth section of the act preparatory to the

admission of Missouri, approved March 6, 1820, is declared inoperative and void:

1. *Resolved*, by this general assembly, That the form of the prohibition of slavery, in the act of 1820, as well as its incorporation in an act designed to be irrepealable, pledged the public faith, to the whole extent of the power of Congress so to do, against any repeal of the prohibition so enacted, and that the people of Connecticut have therefore relied upon the perpetuity of that enactment, with full confidence in the integrity and honor, both of the national government, and of those States which sustain the institution of slavery within their own jurisdiction.

2. *Resolved*, That in the name and in behalf of the people of this State, we protest against the proposed repeal of the prohibition of slavery in the act preparatory to the admission of Missouri, as a violation of the national faith, as destructive of mutual confidence between the States of this Union, as exposing the Union itself to imminent peril, and as inconsistent with the fundamental principles of natural justice.

3. *Resolved*, That we declare our fixed purpose never to consent to the legal or actual admission of slavery into the territory from which it was excluded by the act of 1820, or to the admission of slave-holding States from any portion of the same.

4. *Resolved*, That the attempt to extend slavery over a vast region from which it has been by law excluded with the consent of the slave-holding States ought to awaken the people of Connecticut to the agressive character of slavery as a political power, and to unite them in determined hostility to its extension, and to its existence wherever it comes constitutionally within the reach of federal legislation.

5. *Resolved*, That this general assembly hereby declares itself ready to co-operate with other States, in any legal and constitutional measures, which the existing crisis or its consequenses shall demand, for the preservation of our rights and in defence of liberty.

6. *Resolved*, That our senators in Congress be instructed, and our representatives be earnestly requested, to oppose, by all lawful means, and to the last extremity, the bill under consideration,

with the clause abrogating the prohibition of slavery, known the Missouri compromise.

[Resolution of transmission.]

[*Resolutions and Private Acts of Connecticut, May Session*, 1854, 125–127.]

The Kansas-Nebraska Act and the Fugitive Slave Law.

1854–55.

The adoption of the Kansas–Nebraska Bill and the excitement aroused by the rendition of Anthony Burns in Boston at about the same time, led almost immediately to the adoption of new sets of resolutions by the l f Conn. and Rhode Island, then in session. The Conn. resolves demanded repeal of the Kansas–Nebraska Act, declaring that the compromises on ry had been "repudiated and deprived of their moral force and authority." They announced "that the government having no more power to establish slaver than to establish a monarchy, should at once relieve itself from all responsibility for the existence of slavery, wherever it possesses constitutional power to legislate for its extinction." The Rhode Island resolves were similar, and expressed opposition to the further acquisition of territory. Both legislatures called for the amendment or repeal of the fugitive slave law. *Res. and Private Acts of Conn., May sess.*, 1854, 123–125; *Acts and Res. of R. I., June sess.*, 1854, 61–62; *House Misc.*, 33 *Cong.*, 1 *sess.*, Nos. 94, 96; *Senate Misc.*, No. 71.

The Anti-Nebraska men won notable victories in the election of 1854, and to show their opposition to the extension of slavery and the fugitive slave law, Rhode Island, Conn., Vermont, Mass.[1] and Mich. passed Personal Liberty Laws in 1854 or 1855. To meet these State laws, Senator Toucey reported from the Judiciary Committee in Feb., 1855, a bill designed to strengthen the fugitive slave act; Sumner's motion to repeal the act now secured nine votes; Toucey's bill passed the Senate, Feb. 23, by a vote of 29 to 9, but was not considered in the House (*Cong. Globe*, 33 *Cong.*, 2 *sess.*, 783, 902; *Appx.*, 211–

[1] This act was passed over Gov. Gardner's veto. *Acts of Mass.*, 1855, 924–929, 1009–1012. Gov. Gardner, Jan. 3, 1856, recommended the repeal of such portions of the law as may conflict with the Const. and the laws of the United States. *Acts of Mass.*, 1856–57, 302–304. This was not done until 1858, when the act was amended. *Ibid.*, 1858, 151. Gov. Andrew in his inaugural, Jan. 5, 1861, defended the constitutionality of the law in reply to the charges made by the South. *Ibid.*, 1860–61, 579–584. Cf. Hart, *Contemporaries*, IV. 93–96; Garrison, III, 414–417; Pearson, *Life of John A. Andrew*, 70–72, 79–92, 132–140, 165–167.

); Pierce, *Sumner*, III, 374–385, 390–393, 410–412; Sumner's *Works*, III, ; -367, 435, 450, 529–547). Meanwhile the legislatures of Michigan, Maine, ıss. and New York (Jan.–Apr., 1855) were demanding the "immediate and conditional repeal" of the fugitive slave law and the Kansas–Nebraska Act. ı the other side, Arkansas adopted resolves in approval of the latter measure, ıile Illinois expressed its disapproval of "all efforts having for their object the ısturbance of the compromise measure of 1850, including the fugitive slave w." The resolutions of Arkansas, noteworthy for their attack upon Ohio, ıd those of Michigan, one of the leading States in the organization of the epublican party, as also the radical resolves of Mass., follow. For the texts the other resolutions, see: *Senate Misc.*, 33 *Cong.*, 2 *sess.*, No. 11; *Ibid.*, ł *Cong.*, 1 *sess.*, Nos. 11, 18, 81; *House Misc.*, Nos. 41, 81, 115, 121; *Acts nd Res. of Maine*, 1855, 261, 262; *Acts and Res. of Mass.*, 1854–55, 941, 942, 46, 947; *Acts of New York*, 1855, 1120–1122; *Private Laws of Ill., Jan. sess.*, 855, 744.

General references: Rhodes, I, 500–506; II, 45–78; Schouler, V, 293–296, 01–308; Von Holst, V, 51–70, 130–138; Wilson, II, chs. xxxi–xxxiv; Bancroft, *Seward*, I, ch. xix; Garrison, *Garrison*, III, chs. xiv, xv; Nicolay and lay, *Lincoln*, I, chs. xx, xxi; Stanwood, chs. xix, xx; Macy, *Political Parties*, hs. xiii, xiv; Pierce, *Sumner*, III, 374–393; Sumner, *Works*, III, 355–423, 35–450; Adams, *Richard Henry Dana*, I, 265–282; McDougall, *Fugitive laves*, 43–49, 66–70, 127; Siebert, *Underground Railroad*, 326–333; Curtis, *Republican Party*, I, chs. vi, vii; Julian, *Political Recollections* 134–150.

139. Arkansas Approves of the Kansas-Nebraska Act.

January 19, 1855.

Whereas the right of property in slaves is expressly recognized by the constitution of the United States, and is, by virtue of such ecognition, guaranteed against unfriendly action on behalf of he general government: And whereas each State of the Union, by the fact of being a party to the federal compact, is also a party o the recognition and guarantee aforesaid: And whereas the citizens of each State are, in consequence of such citizenship, nder the most sacred obligation to conform to the terms and enor of the compact to which their State is a party: Therefore—

1. *Be it resolved by the General Assembly of the State of Arkansas*, That the legislation of Congress repealing the mis-named 'compromise" of eighteen hundred and twenty, and asserting the loctrine of non-interference with slavery, alike in States and

Territories, is in strict accordance with the constitution, and in itself just and expedient, and is for these reasons cordially approved by the people of Arkansas.

2. *Resolved*, That the opposition of northern States to the legislation above mentioned is at war with the letter and spirit of the constitution, is grossly violative of plighted faith, and is a traitorous blow aimed at the rights of the South and the perpetuity of the Union.[1]

3. *Resolved*, That the citizens of the State of Ohio have pursued a course peculiarly unjust and odious in their fanatical hostility to institutions for which they are not responsible, in their encouragement of known felons, and endorsement of repeated and shameless violations of law and decency, and in their establishment of abolition presses, and circulation of incendiary documents, urging a servile population to bloodshed and rapine; and by reason of the premises, it is the duty and the interest of the people of Arkansas to discontinue all social and commercial relations with the citizens of said State, and the same is hereby earnestly recommended as a punishment of past outrages and a preventive of further aggressions.

[Resolution of transmission.]

[*House Misc. Documents*, 33 *Cong.* 2 *Sess.*, No. 26.]

140. Michigan on the Slavery Question.

January 26, 1855.

Whereas, Slavery is regarded, by the people of this State, as a great moral, social, and political evil, at war with the principles of the Declaration of Independence and the great object contemplated by our forefathers in establishing the Constitution of the

[1] The Legislature of New Hampshire replied to the above, July 14, 1855, controverting the same.—One of the resolves declared "That all threats of a dissolution of the Union coming from the slave States, unless they are permitted to regulate the policy of the general government on the subject of slavery, have lost all their terrors for the people of New Hampshire, and that they are resolved to demand and enforce their rights in every crisis, and at any sacrifice, consistently with honor and the constitution. *Laws of New Hamp.* June Sess. 1855, 1613–1615; *Senate Misc.*, 34 *Cong.* 1 *Sess.* No. 81.

United States, an impediment to the prosperity of our common country, and an element of domestic weakness and discord; and

Whereas, The people of Michigan owe it to the early and prudent exercise of the power of Congress over the Territories of the United States, in applying the anti-slavery restriction contained in the ordinance of 1787, that she is not now a slave-holding State; and

Whereas, The people have heretofore, through their legislature, repeatedly and earnestly remonstrated against the further extension of slavery in the national Territories; and

Whereas, The violation, by Congress, of the compact of 1820 has released the people of this State from all obligation to respect Congressional compromises for the extension or perpetuation of slavery; therefore

Resolved, By the Senate and House of Representatives of the State of Michigan, That we hold the said repeal, and the permission granted by said Territorial act to introduce slavery into said Territories, to be a violation of a mutual covenant between the free States and the slave-holding States of the Union, justified by no necessity, present or prospective; injurious to the rights of the former, tending to interrupt the internal harmony of the country, and to frustrate the well known purpose of the framers of the Constitution, who, by gradual legislation, designed ultimately to put an end to slavery,

Resolved, That we are opposed to the further extension of slavery, or the recognition or the permission thereof, in any Territory now owned, or which may hereafter be acquired by the United States.

Resolved, That we hold it to be within the constitutional power of Congress to abolish slavery and the slave trade in all the Territories of the United States, including the District of Columbia, and that it is their duty, in view of the great and permanent interests of the Nation, to pass laws for its immediate suppression and extinction in all such Territories and in said District.

Resolved, That our Senators in Congress be, and they are hereby, instructed, and our representatives requested, to vote for and use their best exertions to procure the passage of an Act of Congress that shall prohibit the introduction or existence of slavery in any

of the Territories of the United States, and especially in Kansas and Nebraska, and to introduce, without delay, a bill for this latter purpose.

Resolved, That the Act of Congress of 1850, known as the Fugitive Slave Law, was, in the opinion of the people of this State, an unnecessary measure; that it contains provisions of doubtful constitutionality; that the mode of proceeding under it is harsh, unjust, and repugnant to the moral sense of the people of the free States, cruel and despotic towards the person claimed as a fugitive, and that we are in favor of its immediate repeal; therefore

Resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to use their best exertions to procure the immediate repeal of the Act of 1850, known as the Fugitive Slave Law.

[Resolution of transmission.]

[*Acts of Michigan*, 1855, 483–485.]

141. Massachusetts on the Fugitive Slave Law.

April 6. 1855.

Resolved, Inasmuch as there is neither any power granted to the general government in the Constitution of the United States for the enactment of any law by Congress for the return of alleged fugitive slaves, nor any prohibition therein to the States against the passage of laws upon that subject, that the fugitive slave act is a direct violation of the tenth article of amendments to the Constitution of the United States, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Resolved, That our senators and representatives in Congress be requested to use all honorable means to secure the unconditional repeal of the fugitive slave act of eighteen hundred and fifty, which is hostile alike to the provisions of the national Constitution and to the dictates of the Christian religion, an infraction equally of "the supreme law of the land," and of the "higher law" of God in consonance therewith.

[Resolution of transmission.]

[*Acts and Resolves of Massachusetts*, 1854–1855, 946–947.]

The Disturbance in Kansas.

1855–1857.

Following the adoption of the Kansas-Nebraska Act there ensued a race between the emigrants from the free and the slave states to Kansas, with the object of securing the control of the territorial government. Beginning with July, 1854, some of the former were sent out by the Emigrant Aid Company of Massachusetts. (For its activity see Eli Thayer, *The Kansas Crusade;* Chas. Robinson, *The Kansas Conflict*, ch. ix.; *Kansas Hist. Col.*, VI, 90–96.) The invasion of Kansas by Missourians on the occasion both of the election of the Territorial delegate, Nov. 29, 1854, and of the election of the Territorial Legislature, March 30, 1855, gave the pro-slavery party the control of the government. This invasion at once met with the indignant protest of the Legislatures of New York, Massachusetts and Connecticut, and later of Vermont.[1] The typical resolutions of Massachusetts are given below.

The adoption of a slave code by the Territorial Legislature during the summer of 1855 (Text, Wilder, *Annals of Kansas*, 56–59), and the inauguration by the free-states men of a rival government under the Topeka Constitution during the fall and winter of 1855–56 (Text, etc., Wilder, 63–89; Greeley, *Slavery Extension*, 148–156), and their application to Congress for the admission of Kansas under this constitution, excited general interest. President Pierce sent a special message to Congress, Jan. 24, 1856, declaring the Topeka movement illegal and Feb. 11 he issued a proclamation against those engaged in it. (Richardson, V, 352–360; 390, 391.) The House, Jan. 26, adopted a resolution declaring that the Missouri Compromise ought to be restored, by a vote of 101 to 100. (*Globe*, 34 *Cong.*, 1 *sess.*, 300, 301.) A special committee of the Senate, Douglas chairman, made a report, March 12, condemning the Emigrant Aid Company and repudiating the Topeka movement. Collamer, of Vermont, dissented. (*Senate Repts.*, No. 34.) The House, March 19, provided for the appointment of a Committee of Investigation. (Howard report presented, July 2, *House Repts.*, No. 200; see also House Report on Topeka Const., *Ibid.*, No. 181; also *House Exec. Doc.*, Nos. 28, 66; *House Repts.*, Nos. 3, 275; *House Misc.*, No. 3.)

In the meantime, Robinson, Governor under the Topeka Const., appealed to the governors of New York, Rhode Island and Ohio. The Legislatures of Rhode Island and Ohio responded, and later in the spring of 1856 those of Connecticut, Massachusetts and New Hampshire condemned the course of the national administration and the pro-slavery party, and favored the admis-

[1] The resolves of Massachusetts and Connecticut were returned by South Carolina, those of Vermont by Georgia and Mississippi, either because their language was offensive or because of the state's failure to observe its constitutional obligations. *Jour. of S. C. House of Rep.*, 1855, 30; *Acts of S. C.*, 1855, 305; *Acts of Ga.*, 1855–56, 552; *Laws of Miss.*, 1856, 431.

sion of Kansas as a free state.[1] On the other hand, several of the southern legislatures early in 1856 passed resolves expressive of their views. Texas and Kentucky supported the Kansas-Nebraska Act[2] and the enforcement of the Fugitive Slave Act.[3] Mississippi adopted the subjoined resolutions on the situation in Kansas and for the encouragement of emigration thereto; while Georgia, Jan. 17, 1856, voted in favor of aiding emigrants to Kansas with free passes on State railroads, and followed this by an act, March 4, 1856, empowering the calling of a state convention, if any of the contingencies contemplated in the resolutions of the Georgia Convention of Dec., 1850, should result, "to consider and determine upon the time and mode of resistance." (See *ante*, 271, 272.) Louisiana indorsed President Pierce's policy in regard to slavery.

The Kansas situation was still further aggravated by the destruction of Lawrence, May 21, and the assault upon Senator Sumner, May 22. (See *post*, 293.) Under the influence of these events the Democratic and Republican National Conventions assembled in June. (For platforms with reference to slavery and Kansas, see Stanwood, 267, 270.) Under the spur of the convention's declarations the Democratic Senate, July 2, approved a bill, based on Toombs' proposition, which provided for a vote on a new territorial convention and a new constitution, while the Republican House, on the following day, voted to admit Kansas immediately under the Topeka constitution. The session ended with the two houses in disagreement. The free state legislature was dispersed, July 4, 1856, by United States troops under orders of Gov. Shannon, and a renewal of the Civil War in Kansas ensued.

During the winter of 1856–57 the Legislatures of Iowa, Wisconsin, Ohio and Maine passed resolves in opposition to the extension of slavery, while

[1] The Maine Legislature, April 10, 1856, declared itself averse to the extension of slavery over the territories, but disapproved of the resolves of the previous legislature of March 17, 1855. *Ante*, p. 281; *Acts and Res. of Maine*, 1856, 366.

[2] Several resolves were introduced and discussed in the Alabama Legislature in the winter of 1855–56, repudiating the doctrine of popular sovereignty, showing the beginning of a change of view. *House Jour. of Ala.*, 1855, 438–440; 472–474.

[3] Texas declared that a repeal or material modification of the same "would be a great cause of alarm," and Kentucky that it "would greatly endanger the safety of the Union." The New York, Connecticut and Vermont resolves of 1855 and those of Ohio in 1856 had condemned the Fugitive Slave Law, and called for its repeal; Vermont declaring that a slave brought into a free state by the consent of his master thereby became free; Ohio, that the law was "inconsistent with and unwarranted by the Constitution of the United States, and repugnant to the plainest principles of justice and humanity."

Vermont,[1] Iowa and Connecticut favored the admission of Kansas as a free state, and Michigan desired Congress to declare "the so-called Kansas Code null and void."

The Southern Commercial Convention at Savannah, Dec., 1856, adopted resolutions declaratory of the equal rights of the South in the Territories, denouncing the efforts of the Emigrant Aid societies to force a hostile population on Kansas, and recommending counter emigration. *De Bow's Review*, XXII, 101.

References for the texts of the foregoing resolutions: *Acts of N. Y.*, 1855, 1120–1122; *Acts and Res. of Mass.*, 1854–55, 975; *Ibid.*, 1856–57, 286–287; *Res. and Private Acts of Conn., May sess.*, 1855, 164–166; *Ibid., May sess.*, 1856, 83–85; *Acts and Res. of Vt., Oct. sess.*, 1855, 89, 91; *Ibid., Oct. sess.*, 1856, 63, 105; *Acts and Res. of R. I., Jan. sess.*, 1856, 82–84; *Local Laws of Ohio*, 1855–56, 237, 247; *Acts of Ohio*, 1857, 298: *Acts and Res. of Maine*, 1856, 366; *Ibid.*, 1857, 58–60; *Acts of Iowa*, 1856–57, 453; *Acts of Mich.*, 1857, 480; *Acts of Wis.*, 1857, 138; *Acts of Ky.*, 1855–56, 136–138; *Laws of Miss.*, 1856, 434; *Acts of Ga.*, 1855–56, 107, 108, 553; *Acts of La.*, 1856, 12; 34 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 15, 17, 49, 58; *House Misc.*, Nos. 42, 90, 100, 101, 103, 112, 120, 122; 34 *Cong.* 3 *sess.*, *Senate Misc.*, Nos. 17, 48; *House Misc.*, Nos. 38, 49; 35 *Cong*, 1 *sess.*, *Senate Misc.*, No. 188.

Bibliography: Channing and Hart, *Guide* §§ 200, 201; MacDonald, 413–415; Special Works on Kansas; Blackmar, *Life of Charles Robinson*, 110–215; Chas. Robinson, *The Kansas Conflict*, chs. iv-xiv; Springs, *Kansas*, chs. iii–ix; Wilder, *Annals of Kansas*, 57–110 *in passim*, gives votes at elections, organization of conventions and texts of constitutions, etc.; *Kansas Hist. Collections*, esp. vol. III, for biographical sketches of the several governors, vols. IV and V for executive minutes and papers; Contemporary Accounts, E. E. Hale, *Kansas and Nebraska* [1854]; Sara Robinson, *Kansas* [1856]; Wm. Phillips, *Conquest of Kansas by Missouri and Her Allies* [1856]; J. H. Gihon, *Governor Geary and Kansas* [1857]. General references: Burgess, ch. xx; Curtis, *The Republican Party*, 1, 238–243; Greeley, I, 236–245; Greeley, *Slavery Extension*, 89–164; Johnston, *Amer. Pol. Hist.*, II, 159–168; Rhodes, II, 78–87, 150–168, 189–220; Schouler, V, 320–333, 341–349, 357–359; Smith, I, 185–192, 227–229; Stanwood, *Hist. of the Presidency*, ch. xx; Von Holst, V, chs. iii, v, vi, viii; Wilson, II, chs. xxxv, xxxvii; Nicolay and Hay, *Lincoln*, I, chs. xxii–xxv; Bancroft, *Seward*, I, ch. xx; Seward, *Works*, IV, 479–573; John Sherman, *Recollections*, I, ch. v; Julian, *Giddings*, 320–334; Pierce, *Sumner*, III, 427–439.

[1] The Vermont Legislature also passed an act, Nov. 18, 1856, appropriating $20,000 for the relief of the poor in Kansas. *Acts and Res. of Vt.*, 1856, 3. It was repealed a year later. Gov. Gardner vetoed a similar act of the Massachusetts Legislature appropriating $100,000. *Acts and Res. of Mass.*, 1856–57, 759–765.

142. Massachusetts on the Disturbance in Kansas.

May 21, 1855.

Whereas, The Territory of Kansas, on occasion of the first two elections therein, has been violently invaded by an armed mob from the neighboring State of Missouri, the persons composing the said mob not only claiming themselves, without the least shadow of right, to vote at the said elections, but by high-handed violence and threats of death, deterring the citizens of said territory from the exercise of their right of suffrage; therefore,

Resolved, That we respectfully call upon the law-abiding citizens of Missouri, and upon the executive and legislature of that State, speedily to disavow this gross outrage perpetrated by some of their ill-advised citizens, and to take prompt measures to prevent its repetition by them.

Resolved, That we call upon the President of the United States to take instant and effectual measures for sustaining in Kansas the sovereignty of the people against the violence and incursions of mobs from Missouri.

Resolved, That this commonwealth is ready, if necessary, to aid with her whole power the governor of Kansas, and the people of that Territory, or of any other Territory or State, in support of constitutional rights, by whomsoever infringed.

[Resolution of transmission.]

[*Acts and Resolves of Massachusetts*, 1854–1855, 975].

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143. Mississippi on the Kansas Situation.

March 12. 1856.

Resolved, By the Legislature of the State of Mississippi, That we sympathize deeply with the friends of domestic slavery in the Territory of Kansas, in the struggle they are carrying on in resistance to the efforts made to expel slavery therefrom, and that we fully appreciate the importance to the influence and safety of the South, that Kansas should become a slaveholding State, and that therefore we recommend to the people of this State to take early and active measures to encourage emigration to that Territory,

and by all lawful and proper means to strengthen the hands of the friends of Southern institutions therein.

[*Laws of Mississippi*, 1856, 434.]

The Assault upon Charles Sumner.

1856.

The most important episode connected with the Kansas debate in Congress in 1856 was the impassioned speech of Senator Charles Sumner of Massachusetts, on "The Crime Against Kansas," delivered on May 19 and 20. This was followed by the assault upon him by Representative Preston Brooks of South Carolina, in the Senate Chamber on May 22. An investigating committee of the House reported a resolution in favor of the expulsion of Brooks, but it failed to secure the necessary two-thirds vote. (121 yeas to 95 nays.) Brooks resigned but was immediately re-elected almost unanimously. The indignation of the North, especially of New England, was profound, and found expression not only in the speeches of its representatives in Congress, resolutions of public meetings and societies, but also in the official action of the Legislatures of five New England states, condemning the assault in vigorous language, as follows: Massachusetts, May 31; Connecticut, May session; Rhode Island, May session; New Hampshire, July 12, and Vermont, November 18. In addition the Massachusetts Legislature immediately expressed its approval of "Mr. Sumner's manliness and courage," "and his defense of human rights and free territory," and demanded of "the national Congress a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks, of South Carolina, and any other member concerned with him in said assault." Vermont also adopted resolutions approving Sumner's speech. The Rhode Island and New Hampshire resolves also condemned the nearly coincidental destruction of Lawrence on May 21. The resolves of Rhode Island follow.

For the texts of the resolves see, *Acts and Res. of Mass.*, 1856–57, 286–288, 292; *Acts of R. I., May sess.*, 1856, 28; *Laws of New Hamp., June sess.*, 1856, 1781–1783; *Acts and Res. of Vt., Oct. sess.*, 1856, 106-108, 109; 34 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 64, 66, 80; *House Misc.*, Nos. 117, 118, 119; *Cong. Globe, Appx.*, 630–632. For report of House Investigating Committee, see *House Repts.*, No. 182; *Cong. Globe*, II, 1348–1367; see also *Senate Repts.*, No. 191. Sumner's speech is given in his *Works*, IV, 127–256; *House Repts.*, No. 182, 87–142; Johnson, *Amer. Orations*, III, 88–120; Brooks' speech, *Ibid.*, 121–128; *Cong. Globe, Appx.*, 886. For contemporary opinion of the assault, both northern and southern, *cf.* Sumner, *Works, IV, Appx.*, 257–342. General references: Pierce, *Sumner*, III, ch. xl; Story, *Sumner*, chs. viii, ix; Rhodes, II, 130–150; Von Holst, V, 313–333; Wilson, II, ch. xxxvi; Nicolay and Hay, *Lincoln*, II, ch. iii.

144. Rhode Island on the Recent Occurrences in Congress and in Kansas.

May Session, 1856.

Resolved, by this General Assembly, the Senate and House of Representatives concurring therein: That the recent assault on the person of a Senator from Massachusetts, on the floor of the Senate Chamber of the United States, by a representative from South Carolina, is an outrage, the commission of which in a civilized community, no provocation can justify, and the enormity of which no excuse can palliate; and that the people have a right to claim of their representatives that the authors and contrivers of an assault so brutal and so cowardly shall at once be expelled from the Congress of the nation.

Resolved, That the assault thus made on a Senator for words spoken in debate, and the conduct of those political friends of the offender who sought to prevent an investigation into the offense, show a deliberate attempt to stifle freedom of speech in the national councils, and deserve the indignant rebuke and the uncompromising opposition of all who love their freedom, and who wish to maintain it.

Resolved, That this outrage, in connection with the acts of violence just perpetrated in Kansas, admonish us that a determination exists on the part of those now wielding the power of the general government to crush the advocates and upholders of freedom in free territory by force, bloodshed and civil war; and that the perversion of the power delegated by a free people for the preservation of their freedom to purposes of injustice, tyranny and oppression, demands the union and active co-operation of all who deserve to enjoy the blessings of liberty for the purpose of placing the government in the hands of those who will conduct it with due regard to the rights of freemen and the liberties of the people.

[*Acts and Resolves of Rhode Island, May Sess.*, 1856, 28, 29.]

Resolutions on the Dred Scott Decision.

1857-1859

While the question of the status of slavery in Kansas was still pending and the public was in consequence greatly excited, the Supreme Court of the United States rendered its opinion, March 6, 1857, in the celebrated case of *Dred Scott vs. Sanford.* It was an attempt on the part of the majority of the court to settle the vexed question of territorial slavery. Chief Justice Taney rendered the decision of the majority of the court, but each of the eight associate justices delivered a separate opinion. Curtis and McLean held that the question was not strictly within the jurisdiction of the court. The decision of the majority was most acceptable to the South, but was denounced by the Republican party and their leaders as "extra judicial and possessing no binding force." It was recognized by the Republicans and Southern Democrats that it shattered the Douglas doctrine of popular sovereignty. This was clearly brought out by Lincoln in his joint debate with Douglas in the following year.

The following State Legislatures adopted resolutions condemning the decision: 1857, Maine, April 15; Ohio, April 16 and 17; Connecticut, May sess.; New Hampshire, June 27; Vermont, November 10; 1858, Massachusetts, March 27; Vermont, October sess.; 1859, Maine, April 4. Maine and Ohio also called for the reorganization of the court. The latter passed a separate set of resolves demanding that to the several states should be given "that just proportion of the judges of the Supreme Court to which they are entitled by population and business." The resolutions of Ohio and Connecticut follow.

For texts of the resolves see *Res. of Maine*, 1857, 60; *Ibid.*, 1859, 286; *Acts of Ohio*, 297, 301; *Laws of New Hamp., June sess.*, 1857, 1925; *Ibid.*, 1859, 2140; *Acts and Res. of Vt., Oct. sess.*, 1857, 83; *Ibid.*, 1858, 66–68; *Acts and Res. of Mass.*, 1858–59, 170; 35 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 14, 188, 231; *House Misc.*, Nos. 31, 123.

Bibliography: Channing and Hart, *Guide*, § 202. Text of decision is in 19 *Howard*, 393–633; extracts from, in MacDonald, 416–435; *Am. Hist. Leaflets*, No. 23; Cluskey, 147–205; Contemporary discussions: T. H. Benton, *Historical and Legal Examination of the Case of Dred Scott;* S. A. Foot, *Examination of the Case of Dred Scott;* Gray and Lowell, *Legal Review of the Case of Dred Scott;* J. C. Hurd, *Law of Freedom and Bondage*, I, §§ 489–539; General references: Burgess, ch. xxi; Carson, *Supreme Court*, II, ch. xv; Curtis, II, 266–279; Curtis, *Republican Party*, 275–282; Greeley, I, ch. xviii; Johnson, *Amer. Pol. History*, II, ch. viii; Macy *Political Parties*, chs. xvi, xix; Nicolay and Hay, *Lincoln*, II, chs. iv, v, viii, ix; Rhodes, II, 249–271, 319–339; Thorpe, *Const. Hist. of U. S.*, II, 536–551; Tyler, *Memoirs of R. B. Taney*, 358–391; Von Holst, VI, ch. i; Wilson, II, ch. xxxix; for Seward charge against Buchanan, see *Works*, IV, 574–604; Bancroft, *Seward*, I, 436–439, 446–449; Lincoln speeches, Johnson, *Amer. Pol. Orations*, III, 154–194. See also *Political Debates between Lincoln and Douglas.*

145. Ohio on the Dred Scott Decision.

April 17, 1857.

Resolved, by the General Assembly of the State of Ohio,

1st. That this general assembly has observed with regret that, in the opinion lately pronounced by Chief Justice Taney in behalf of a majority of the supreme court of the United States in the case of Dred Scott against J. H. Sanford, occasion has been taken to promulgate extra-judicially certain doctrines concerning slavery, not less contradictory to well-known facts of history, than repugnant to the plain provisions of the Constitution, and subversive to the rights of free men and free states.

2d. That in the judgment of this general assembly, every free person, born within the limits of any state of this union, is a citizen thereof, and to deny to any such person the right of sueing in the courts of the United States, in those cases where that right is guaranteed by the Constitution to all citizens of the United States, is a palpable and unwarrantable violation of that sacred instrument.

3d. That the doctrine announced by the chief justice, in behalf a majority of the court, that the Federal Constitution regards slaves as mere property, and protects the claims of masters to slaves, to the same extent, and in the same manner as the rights of owners in property, foreshadows, if it does not include the doctrine, that masters may hold slaves as property within the limits of free states, during temporary visits, or for purposes of transit, to the practical consequences of which doctrine no free state can submit with honor.

4th. That the doctrine also announced in behalf of a majority of the court that there exists no power in the general government to exclude slavery from the territories of the United States, subverts the spirit of the Constitution, annuls the just authority of the United States over their own territories, and contradicts the uniform practice of the government.

5th. That the general assembly, in behalf of the people of Ohio, hereby solemnly protest against these doctrines, as destructive of personal liberty, of state's rights, of constitutional obligations, and of the union, and so, protesting, further declares its unalterable

convictions that in the Declaration of Independence the fathers of the republic intended to assert the indestructible and equal rights of all men, without any exception or reservation whatever, to life, liberty, and the pursuit of happiness; and in the Constitution, by the comprehensive guaranty that no person shall be deprived of life, liberty or property, without due process of law, designed to secure these rights against all invasion by the federal government, and to make the establishment of slavery outside of slave states a constitutional impossibility.

[Resolution of transmission.]

[*Acts of Ohio*, 1857, 301.]

146. Connecticut on the Dred Scott Decision and Kansas.

May Session, 1857.

* * * * *

Resolved, That slavery, being contrary to the principles of natural right, founded upon injustice and fraud, at war with the principles upon which our government is founded, injurious to the growth and prosperity of the country, and a reproach to a people professing to love liberty, ought never to receive the national sanction; that while we recognize it as a local institution maintained by force of the law of the State where it exists, and over which we have no control and for which we have no responsibility, it is our right and our duty to resist to the last every attempt to extend it to the Territories of the republic.

Resolved, That the majority of the judges of the Supreme Court of the United States, in a recent case of Dred Scott, in declaring that a *free* negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a citizen within the meaning of the Constitution of the United States, and is not entitled to sue in a court of the United States, and that no State can make him such a citizen; that Congress has no power to prohibit slavery in the Territories, that every slave-owner may carry his slaves into the Territories and hold them therein as slaves; that the Federal government recognizes slaves as property and pledges itself to protect it in the Territories, and that the Missouri compromise

act was void, when such declarations or opinions were not necessary for the decision of the case before said court, have departed from the usages which have heretofore governed our courts; have volunteered opinions which are not law; have given occasion for the belief that they promulgated such opinions for partisan purposes, and thereby have lowered the dignity of said court, and diminished the respect heretofore awarded to its decisions.

Resolved, That the resolutions of the general assembly of this State, passed in 1849, declaring that Congress has full constitutional power to prohibit slavery in the Territories of the United States by legislative enactment, that the people of Connecticut, while abiding by the compromises of the Constitution, and averring their attachment to the Federal Union, are unalterably opposed to the extension of slavery into free territory, and the further extension of its influence into the councils of the Federal government; that in resisting the extension of slavery, we do not make a sectional issue, nor oppose the interests of the people of the South, express *now*, as then, the sentiments of the people of Connecticut.

Resolved, That the people of Connecticut deeply sympathize with their brethren in the Territory of Kansas in their struggles against the aggressions of slavery, and earnestly desire that they may continue to resist, by all lawful means, until they shall make Kansas a free State.

Resolved, That our Senators in Congress are hereby instructed, and our Representatives in Congress are hereby earnestly requested, to vote always, and in every stage of the question, against the admission of another slaveholding State into the Federal Union.

[Resolution of transmission.]

[*Senate Misc., 35 Cong., 1 Sess.*, III, No. 188.]

The Struggle over the Lecompton Constitution.

1857–1858.

The pro-slavery party in Kansas now determined to hold a constitutional convention. The question of its expediency having been voted upon favorably at the election in Oct., 1856, the Territorial Legislature passed a measure, Feb. 19, 1857, authorizing the election of delegates, June 15. Gov. Geary vetoed the bill, as it failed to provide for the submission of the proposed constitution to the voters, but it became a law. The convention assembled at Lecompton, Sept. 7, 1857, and shortly adjourned, reassembling Oct. 19 to Nov. 7. The constitution was submitted to the people for adoption, "with slavery" or "without slavery," on Dec. 21, but votes against the constitution itself were not counted. The free-states men, who objected to the Lecompton constitution, refrained from voting, and the constitution, "with slavery," received 6,143 votes to 589 "without slavery." The election of officers under the constitution was held Jan. 4, 1858. (Wilder, 115, 127, 128, 134–147, 155–157.) In the meantime Robert J. Walker, who had succeeded Geary as Governor in July, had incurred the enmity of the pro-slavery party by rejecting the votes cast by certain counties at the election for the Territorial Legislature in Oct., 1857, thus enabling the free-states party to gain the control of the Legislature. At an election on Jan. 4, 1858, the free-states men rejected the Lecompton constitution by a vote of 10,226 to 138 for "with slavery" and 23 for "without slavery." (Wilder, 151, 152, 153, 154, 160.) President Buchanan transmitted the Lecompton constitution to Congress in a special message, Feb. 2, 1858, recommending its acceptance. (Richardson, V, 471–481; *Senate Doc.*. 35 *Cong.*, 1 *sess.*, vii, No. 21.) A bill to admit Kansas under this constitution passed the Senate, March 23, 1858, but the House, April 1, substituted a bill to resubmit the constitution to a popular vote. Finally the two Houses agreed to a compromise measure, called "The English Bill," approved May 4, but the people of Kansas, Aug. 2, rejected the proposed land ordinance by a vote of 11,300 to 1,788. (Richardson, V, 498–502; Wilder, 186–188.)

Meanwhile the various state Legislatures were passing resolutions relating to the issue. By the spring of 1858, Rhode Island, Iowa, Ohio, Michigan, Maine, New York, Massachusetts and Wisconsin adopted resolves in opposition to the Lecompton constitution, and later in the year New Hampshire and Vermont condemned the attempt to coerce Kansas to accept slavery. One of the two sets of resolves adopted by Maine follows. On the other hand, in the winter of 1857–58, the Mississippi and Alabama Legislatures condemned the course of Gov. Walker and called for his removal,[1] and Virginia, Alabama, Tennessee, Texas and California passed resolves favoring the admission of Kansas under the Lecompton constitution.[2] Alabama, Jan. 28, 1858, even

[1] For other expressions of disapproval see Rhodes, II, 275.

[2] Tennessee and California censured their Senators, John Bell and D. C.

provided for the call of a state convention in case Kansas was refused admission under this constitution, and Texas authorized the election of delegates to meet with those from the other Southern States whenever the executives of a majority of the slave-holding states should deem such a convention necessary.

While Congress was discussing the Lecompton constitution, the territorial legislature, now controlled by the free-states men, called a new constitutional convention, which drew up the Leavenworth constitution, March 2–Apr. 3, 1858. (Wilder, 163, 166, 168–182.) About 4,000 votes were cast for it May 18th, and Jan. 6, 1859, it was presented to Congress, but no important action was taken. Eventually another constitutional convention assembled July 5–29, 1859, and drafted the Wyandotte constitution, prohibiting slavery. It was ratified Oct. 4th by a vote of 10,421 to 5,530. Under this constitution Kansas was finally admitted as a state, Jan. 29, 1861. (Wilder, 198, 199, 204–222, 225, 254; *Kansas Hist. Col.*, I-II, 236–247.)

References to text of state resolves: *Acts and Res. of R. I., Jan. sess.*, 1858, 40; *Acts of Ohio*, 1858, 193; *Acts of Mich.*, 1858, 200; *Acts and Res. of Mass.*, 1858–59, 168; *Resolves of Maine*, 1858, 186, 188; *Acts of N. Y.*, 1858, 661; *Laws of Wis.*, 1858, 217; *Law of New Hamp., June sess.*, 1858, 2031; *Acts of Vt., Oct. sess.*, 1858, 66; *Laws of Miss.*, 1857, 136; *Acts of Va.*, 1857–58, 288; *Acts of Ala.*, 1857–58, 426, 434; *Acts of Tenn.*, 1857–58, 423; *Stat. of Cal.*, 1858, 353; 35 *Cong.*, 1 *sess.*, *Senate Misc.*, Nos. 140, 147, 149, 160, 165, 194, 204, 206, 228, 232, 242; *House Misc.*, 37, 44, 60, 81, 95, 103, 104, 124, 125.

Bibliography: *Ante*, 291. For debate see *Cong Globe*, 35 *Cong.*, 1 *sess.* Also *Senate Repts.*, No. 82; *House Repts.*, No. 377. The texts of the various constitutions and vote upon the same are given in Wilder, *Annals of Kansas*, 110–232 *in passim;* that of the Lecompton constitution also in the above reports, and in Poore, *Federal and State Consts.*, I, 598–613. General references: Blackmar, *Robinson*, 215–249; Robinson, *Kansas Conflict*, chs. xv, xvii; Spring, *Kansas*, chs. x-xii; Burgess, ch. xxi; Curtis, *Buchanan*, II, 194–210; Nicolay and Hay, *Lincoln*, II, chs. vi, vii; Rhodes, II, 237–240, 271–301; Smith, I, 249–256; Schouler, V, 382–385, 391–400; Thorpe, II, 526–535; Von Holst, VI, chs. ii, iv, v, vi *in passim;* Wilson, II, chs. xl, xli, xlii; Bancroft, *Seward*, I, ch. xxi; Seward, *Works*, IV, 604–618; Coleman, *Crittenden*, II, ch. viii; Julian, *Giddings*, 337–353.

Broderick respectively, for their course on the Kansas question and called for their resignation. In 1861 California expunged its former resolves. *Acts of Tenn.*, 1857–58, 423–424; *Stat. of Cal.*, 1859, 383; *Ibid.*, 1861, 670.

[1] The resolves also declared "That Alabama, in their judgment, will and ought to resist, even as a last resort, to a disruption of every tie which binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia."

147. Maine Condemns the President and the Lecompton Constitution.

March 16, 1858.

Resolved, That the people of Maine are unalterable in their devotion to the Constitution and the Union, and demand of the national administration an immediate return to the principles on which the Constitution was framed, and by which alone the Union can be preserved.

Resolved, That the Missouri compromise was a solemn compact between the free and slave States; that its perfidious breach in eighteen hundred and fifty-four deserved, as it received, the universal condemnation of our legislature and people, without regard to party, and such remains the unchangeable conviction of the State.

Resolved, That the reign of the late territorial government in Kansas presents a record of villainy and violence unparalleled in modern history, unfolding a gigantic plot to force African slavery upon the freemen of that Territory by the barbarous and bloody edicts of a foreign legislature, sustained throughout by the administration, with its army and territorial judiciary.

Resolved, That the recent message of the President of the United States is a falsification of the history of Kansas, a libel upon the free people of that Territory, and a deep disgrace to the American name, and to the office once filled by Washington.

Resolved, That the President's confession that the late foreign territorial government in Kansas would have been overthrown by the people long before its annihilation in October, unless he had upheld the usurpation by military power, reveals the complicity of the adminstration in the execrable scheme of governing Kansas by a minority sustained by Federal bayonets, setting up a military despotism to "crush out" the free-State majority, and the sovereignty of the people; and his estimate that a standing army of "at least two thousand regular troops" had been found necessary to maintain the equilibrium of parties in that Territory, measures the magnitude of the free State majority—so enormous as to equal in effective power "at least two thousand" of his best "troops."

Resolved, That the President's astounding assertion that "Kan-

sas is at this moment as much a slave State as Georgia or South Carolina," is a monstrous heresy, the slave-power's latest commentary on the doctrine of popular sovereignty, and a suggestive example of the operation of the Kansas-Nebraska bill.

Resolved, That, since this is his interpretation of the Constitution and the law, the people of Maine demand of the President its practical recognition, by an immediate withdrawal of the federal army, the territorial governor, and the infamous judiciary, that the "State" of Kansas may be left, like "Georgia or South Carolina," to the government of "State" officers, and to the protection of a "State" militia.

Resolved, That the Lecompton constitution was conceived in fraud and brought forth in contemptuous defiance of the popular will and in mockery of the professions of the Kansas-Nebraska bill, by which alone the iniquity became possible. Maine enters her solemn and indignant protest against the stupendous swindle.

Resolved, That those members of Congress who, at the passage of the Kansas-Nebraska bill, professed a belief in its avowed principle of popular sovereignty, are now loudly called upon to vindicate the sincerity of their professions by repudiating the Lecompton constitution, in which that principle has been shamelessly betrayed.

Resolved, That if that constitution shall finally be forced upon Kansas against the solemn remonstrance of its people, then, in the opinion of this legislature, they will be justified in resisting it at all hazards and to the last extremity; and, in so righteous a struggle, the people of Maine are ready to aid them, both by sympathy and action.

Resolved, That the people of Maine have just cause for gratitude and pride that they are now fully represented in both branches of Congress by men who, entertaining and maintaining sentiments and principles in harmony with an immense majority of their constituents, require no specific instructions from this legislature. While their past course meets our approval, it affords us the surest guarantee that they will, to the extent of their ability, strive to avert from our country the impending danger, by resisting to the end the attempted outrage of forcing upon the free

eople of Kansas a slavery constitution that they abhor, and in ɔrmation of which they have had no part.

[Resolutions of transmission.]

[*Resolves of Maine*, 1858, 186–188.]

148. Wisconsin Defies the Federal Courts.

March 19, 1859.

On the eve of the Civil War, the State of Wisconsin, through her courts, er legislature and the action of her citizens, attempted to practically nullify ıe Fugitive Slave Law and obstruct the enforcement of the judgments of the ederal Courts. The facts are as follows: Sherman M. Booth, the editor of *he Wisconsin Free Democrat*, was held to trial before the United States istrict Court, on the charge of having aided in the forcible rescue of a fugi- ve slave, Joshua Glover, at Milwaukee, March 11, 1854. Before the session f the Court, Booth applied to Judge A. D. Smith, of the State Supreme ourt, for a writ of habeas corpus. Smith took a pronounced state rights iew and discharged Booth on the ground that the Fugitive Slave Law was unconstitutional and void." The decision was affirmed by the Wisconsin upreme Court. (3 *Wisconsin Reports*, 1–135.) In course of time Booth as indicted by the United States District Court, and in Jan., 1855, tried and ɔnvicted. The news of his conviction excited great indignation throughout ıe State, meetings were held in various places and resolutions condemning ıe Fugitive Slave Law and demanding the enactment of a personal liberty ıw, and even threatening resistance, were adopted. Again the State Supreme ourt released Booth on a writ of habeas corpus. On application, Chief ustice Taney issued a writ of error commanding the State Court to make re- of its judgment and proceedings for review by Dec., 1855, but the State ourt disregarded it. Finally, in March, 1857, the United States Supreme ourt assumed jurisdiction in the case by procuring certified copies of the pro- ɛedings, and at the December term, 1858, reviewed and reversed the decision f the Supreme Court of Wisconsin. (*Ableman vs. Booth*, 21 *Howard*, 506.) As a result of the Glover affair the Legislature of Wisconsin had passed in 857 a personal liberty law (*Laws of Wis.*, 1857, 12), and in view of the ɛcent decision of the Federal Court, they adopted, March 19, 1859, the sub- ıined protest and declaration of defiance, based on extreme state sovereignty round. (Vote in the Assembly, 47 to 37; in the Senate, 13 to 12. *Laws of Vis.*, 1859, 247, 248.) The voters followed this up the same year by elect- ıg Booth's attorney, Byron Paine, to the State Supreme Court on the state ghts and anti-slavery issue. Although the State Courts refused to enforce ıe judgment, Booth was re-arrested by a United States Marshal, March 1,

1860. On August 1, he was rescued, but re-arrested, Oct. 8, and finally pardoned by Pres. Buchanan near the close of his administration.

References: See especially, Vroman Mason, *The Fugitive Slave Law in Wisconsin, with Reference to Nullification Sentiment, Proc. of State Hist. Soc. of Wis.*, 1895, 117–144; Tyler, *Life of R. B. Taney*, 392–400; Thwaites, *Story of Wisconsin*, 247–254; Siebert, *Underground Railroad*, 327–330; Wilson, II, 444–446.

Whereas, The Supreme Court of the United States has assumed appellate jurisdiction in the matter of the petition of Sherman M. Booth for a writ of habeas corpus, presented and prosecuted to final judgment in the Supreme Court of this State, and has, without process, or any of the forms recognized by law, assumed the power to reverse that judgment in a matter involving the personal liberty of the citizen, asserted by and adjusted to him by the regular course of judicial proceedings upon the great writ of liberty secured to the people of each State by the Constitution of the United States:

And, whereas, Such assumption of power and authority by the Supreme Court of the United States, to become the final arbiter of the liberty of the citizen, and to override and nullify the judgments of the state courts' declaration thereof, is in a direct conflict with that provision of the Constitution of the United States which secures to the people the benefits of the writ of habeas corpus: therefore,

Resolved, The Senate concurring, That we regard the action of the Supreme Court of the United States, in assuming jurisdiction in the case before mentioned, as an arbitrary act of power, unauthorized by the Constitution, and virtually superseding the benefit of the writ of habeas corpus and prostrating the rights and liberties of the people at the foot of unlimited power.

Resolved, That this assumption of jurisdiction by the federal judiciary, in the said case, and without process, is an act of undelegated power, and therefore without authority, void, and of no force.

Resolved, That the government, formed by the Constitution of the United States was not the exclusive or final judge of the extent of the powers delegated to itself; but that, as in all other cases of compact among parties having no common judge, each

party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.[1]

Resolved, That the principle and construction contended for by the party which now rules in the councils of the nation, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the *discretion* of those who administer the government, and not the *Constitution*, would be the measure of their powers; that the several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a *positive defiance* of those sovereignties, of all unauthorized acts done or attempted to be done under color of that instrument, is the rightful remedy.

[*General Laws of Wisconsin*, 1859, 247, 248.]

149. New York Denounces the Re-opening of the Slave Trade.

April 18, 1859.

The growing demand for slave labor in the cotton states led to a marked increase in the number of foreign slaves that were brought into the country contrary to law. Beginning about 1854 there was initiated a considerable movement in favor of legally re-opening the foreign slave trade. Governor Adams of South Carolina recommended it in his message of November, 1856 (Cluskey, 524), and in the several Southern Commercial Conventions held between 1855 and 1859 there was a strong element in its favor, which finally at the Vicksburg Convention in May, 1859, secured the adoption of a resolution by a vote of 40 to 19, declaring "that all laws, state or federal, prohibiting the African slave-trade, ought to be repealed." (*De Bow's Review*, xxvii, 99.) Leading southerners in Congress favored the movement during the same period.

The following resolves of the New York Legislature were called out in opposition to this movement.[2] The Legislature of New Hampshire, June 28, 1859, also denounced the proposition, and again, July 4, 1860, declared: "That the virtual re-opening of the slave trade in violation of the law, is a species of nullification more dangerous to the Union and more degrading to the country

[1] Quoted from the Kentucky resolutions of 1798.

[2] The Legislature of South Carolina returned the resolutions. *Repts. and Res. of South Carolina*, 1859, 536.

than that nullification which formerly threatened to accomplish disunion by force." *Laws of New Hamp.*, 1859, 2140; *Ibid.*, 1860, 2298.

References: For proceedings of the commercial conventions and southern opinion see *De Bow's Review*, XXII, 91, 102, 216–224; XXIII, 309–319; XXIV, 473–491, 579–606; XXV, 121, 122, 166–185, 289, 308, 491–506; XXVI, 51–66; XXVII, 94–235; Cluskey, 585–595. General accounts, DuBois, *Suppression of the Slave Trade*, ch. xi; Rhodes, II, 241, 367–372, 481, 482; Von Holst, V, 484–490; VI, 313–324; VII, 262–266; Wilson, II, ch. xlviii.; Collins, *Domestic Slave Trade*, 54–60.

Resolved, That this Legislature, and the citizens of this State, look with surprise, mortification and detestation upon the virtual reopening, within the Federal Union, of the slave trade; that against this invasion of our laws, our feelings, and the dictates of Christianity, we solemnly protest here, as we will protest elsewhere, and especially at the ballot-box; that we call upon the citizens of this Union, to make common cause, in the name of religion, humanity, and as friends of principles underlying our system of government, to unite in bringing to immediate arrest and punishment, all persons engaged in the unlawful and wicked slave trade, and hereby instruct our senators and representatives in Congress to exert all lawful powers for the immediate suppression of the infamous traffic.

[Resolution of transmission.]

[*Laws of New York*, 1850, 1210.]

Resolutions on the Harper's Ferry Raid.

1859-60.

One manifestation of the excitement caused by the attack of John Brown on Harper's Ferry, Oct. 16, 1859, was the adoption of resolutions by several of the southern Legislatures. Georgia Nov. 14, 1859, was the first to condemn the attack and to commend the action of the federal and state authorities. (*Acts of Ga.*, 1859, 400.) Tennessee, in the resolutions which follow, denounced Seward and the Republican party as responsible for the outbreak. (*Acts of Tenn.*, 1859–60, 653–656.)

In response to the discussion of Federal relations by Gov. Wm. H. Gist, in his message of Nov. 29, 1859, prompted by the Harper's Ferry raid, (*Jour. of the Senate of S. C.*, 1859, 20–23,) the Legislature adopted the subjoined resolutions. (*Reports and Res. of S. C.*, 1859, 578, 579.) The invitation to

a conference of Southern States was accepted by the Legislature of Miss. Feb. 10, 1860, which suggested that the convention should convene at Atlanta, on the first Monday in June. They also provided for sending a commissioner to Virginia to express their indignation at the outrage committed in the invasion of her soil and of their readiness to unite with her in repelling any assailment of her people and her rights. (*Laws of Miss.*, 1860, 566.) The Legislature of Alabama, Feb. 25, declared "that Alabama fully concur in affirming the right of any state to secede from the confederacy," and "that under no circumstances will she submit to the foul domination of a sectional northern party." They also made provision by law for the calling of a State convention in case of the election of a Republican President, however, if a convention of slave-holding states assembled they were to be represented. (*Acts of Ala.*, 1859-60, 685-687, 689, 690.) Following the example of South Carolina, Mississippi appropriated $150,000 and Alabama $200,000 for "military contingencies."

The Legislature of Virginia replied, March 8, 1860, to the invitation presented by the commissioners from South Carolina and Mississippi, Messrs. C. J. Memminger and P. B. Starke, declaring it in, their opinion, inexpedient to appoint deputies to the conference proposed," believing "that efficient co-operation" will be more safely obtained by direct legislative action of the several states. (*Acts of Va.*, 1859-60, 707.) The Tennessee Legislature, March 23, took a similar position. (*Acts of Tenn.*, 1859-60, 681.) Gov. Letcher of Va., in his message of Jan. 7, 1861, replied to the strictures upon Virginia, which had been uttered by the recent governor of South Carolina in his annual message of Nov. 1860, because of her action in declining the invitation to the conference. (*Virginia Documents*, 1861, No. 1, ix, x.)

References: For paper presented by C. J. Memminger of S. C., to the Virginia Legislature on the grievances of the South, see *De Bow's Review*, XXIX, 751-771. Report of Investigating Committee on the Invasion at Harper's Ferry, *Senate Rept.*, 36 *Cong.* 1 *sess.*, II, No. 278. General references, Channing and Hart, *Guide*, § 202; F. B. Sanborn, *Life and Letters of John Brown*, Articles by Sanborn, *Atlantic Monthly*, April 1872; March 1875; *The Critic*, XLVII, 349; Redpath, *Echoes* of *Harper's Ferry*; Greeley, I, ch. xx; Nicolay and Hay, *Lincoln* II, ch. xi; Rhodes, II, 384-416; Von Holst, VII, ch. i; Wilson, II, chs. xlv, xlvi; Bancroft, *Seward*, 1, 495-499; Garrison, III, ch. xix.

150. Tennessee on the Attack on Harper's Ferry.

December 2, 1859.

Therefore, Resolved by the General Assembly of the State of Tennessee, That we recognize in the recent outbreak at Harper's Ferry the natural prints of this treasonable, "*irrepressible conflict*" doctrine[1] put forth by the great head of the Black Republican party and echoed by his subordinates, and that it becomes the imperative duty of national men of all parties throughout the Union to announce to the world their sense of its infamy, and to unite in crushing out its authors as traitors to their country and as deadly enemies to the public peace, the rights of the States and the preservation of our Republican Institutions.

Resolved, That we record it as the sense of the Tennessee Legislature that the declarations of Mr. Seward that a respectable portion of the Southern people, under the head of such men as Cassius M. Clay and Francis P. Blair, will unite with the Black Republican party to prevent the extension of slavery, and will eventually "rise up against slavery," as a libel upon the honor and loyalty of the Southern people, and will but serve to make them more watchful and exacting of their public servants in the National Councils.

Resolved, That it is the duty of our Representatives in Congress to recognize as enemies to the Union, and especially to the slave States, all who in any way favor or affiliate with this sectional Black Republican party, and that any action on their part which favors co-operation with the Black Republicans in organizing the House and thus placing the offices and important committees of that body under their control would be false to the sentiment of the people of Tennessee, an insult to their constituents and disgraceful to themselves.

Resolved, That we acknowledge our appreciation of the promptness with which the National Administation took steps to check the recent conspiracy before it obtained the huge dimensions of a revolution.

[*Public Acts of Tennessee,* 1859–60, 653–656.]

[1] Seward's speech at Rochester, N. Y., Oct. 25, 1858, *Works,* IV, 289–302; Johnston, *Amer. Orations,* III, 195–229.

151. South Carolina Proposes a Southern Convention.

December 22, 1859.

Whereas, The State of South Carolina, by her ordinance of A. D. 1852, affirmed her right to secede from the confederacy whenever the occasion should arise justifying her in her own judgment in taking that step, and in the resolutions adopted by her Convention declared that she forbore the immediate exercise of that right from considerations of expediency only;[1] and,

Whereas, More than seven years have elapsed since that Convention adjourned, and in the intervening time the assaults upon the institution of slavery and upon the rights and equality of the Southern States have unceasingly continued with increasing violence and in new and more alarming forms; be it therefore

1. *Resolved unanimously*, That the State of South Carolina, still deferring to her Southern sisters, nevertheless respectfully announces to them that it is the deliberate judgment of this General Assembly that the slave-holding States should immediately meet together to concert measures for united action.[2]

2. *Resolved unanimously*, That the foregoing preamble and resolutions be communicated by the Governor to all the slave-holding States, with the earnest request of this State that they will appoint deputies and adopt such measures as in their judgment will promote the said meeting.

3. *Resolved unanimously*, That a special Commissioner be appointed by his Excellency the Governor to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathy of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defence.

4. *Resolved unanimously*, That the State of South Carolina owes

[1] *Ante*, 272–275.

[2] This resolution as originally passed by the Senate declared "that in her judgment the safety and honor of the slave-holding States imperatively demand a speedy separation from the other States of the Confederacy, and earnestly invites the slave-holding States to inaugurate the movement of Southern separation, in which she pledges herself promptly to unite." *Senate Journal of S. C.*, 1859, 136, 168.

it to her own citizens to protect them and their property from every enemy, and that, for the purpose of military preparations for any emergency, the sum of one hundred thousand dollars ($100,000) be appropriated for military contingencies.

[*Reports and Resolutions of the General Assembly of South Carolina*, 1859, 578, 579.]

Inauguration of the Secession Movement.

1860.

As is well known South Carolina led the way out of the Union. In anticipation of the election of Lincoln, Gov. Wm. H. Gist of South Carolina, Oct. 5, 1860, entered into secret correspondence with the Governors of several of the Southern States relative to secession. (For his letters and the replies, see, Nicolay and Hay, *Lincoln*, II, 306–314.) Gov. Gist, Oct. 12, issued a proclamation convening the Legislature of South Carolina in special session. (*S. C. House Jour.*, 1860, 10.) On receipt of the news of Lincoln's election the Legislature, Nov. 13, called a convention of the People of the State. (*Stat. at Large of S. C.*, XVI, 734.) This Convention, Dec. 20, 1860, adopted an ordinance of secession, (*Jour. of Convention*, 46, 47.) and on Dec. 24, issued *A Declaration of Causes which Induced her Secession from the Federal Union.* (*Jour. of Convention, Appx.*, 325–331; Moore, *Rebellion Record*, I, Docs. 3; McPherson, *Political History of the Rebellion*, 15, 16.)

Similarly the Governor of Mississippi called the Legislature of that State in special session, Nov. 19, 1860, and Nov. 29 that body adopted the act for calling a Convention to meet Jan. 7, 1861. On the following day, Nov. 30, they issued the subjoined *Declaration* justifying secession as the proper remedy for their grievances. This, the first official declaration of a Southern State in justification of secession, subsequent to the election of Lincoln, although less well known than that of the South Carolina Convention issued nearly a month later, is of especial interest as a severe arraingement of the Free-States for their hostility to slavery. For the subsequent *Declaration of Causes* issued by the Mississippi Convention, see *post.* 318. The Georgia Legislature, Dec. 19, 1860, replied promising coöperation, and in case of secession suggested that the "seceding States should form a Confederacy under a republican form of government." (*Acts of Ga.*, 1860, 238–240.)

References: For bibliography on Secession see *post.* 317; Campaign of 1860: The resolutions presented by the Alabama Delegates at the Charleston Convention, April 30, 1860, prior to their withdrawal, presents the position of the extreme southern wing of the Democratic party on slavery. See *Proceedings of Democratic National Convention held in 1860*, 56, 57. [Cleveland, 1860.] See also M. Halstead, *A History of the National Political Conven-*

tions of the Current Presidential Campaign, 68–74. [Columbus, 1860.] Secondary works: Burgess, *Civil War*, ch. iii; Bancroft, *Seward*, I; ch. xxiv; Nicolay and Hay, *Lincoln*, II, chs. xiii–xxviii: Rhodes, II, ch. xi; Smith, I, ch. x; Stanwood, ch. xxi; Von Holst, VII, chs. iii–vi.

152. Mississippi Justifies Secession.

November 30, 1860.

Whereas, The Constitutional Union was formed by the several States in their separate sovereign capacity for the purpose of mutual advantage and protection;

That the several States are distinct sovereignties, whose supremacy is limited so far only as the same has been delegated by voluntary compact to a Federal Government, and when it fails to accomplish the ends for which it was established, the parties to the compact have the right to resume, each State for itself, such delegated powers;

That the institution of slavery existed prior to the formation of the Federal Constitution, and is recognized by its letter, and all efforts to impair its value or lessen its duration by Congress, or any of the free States, is a violation of the compact of Union and is destructive of the ends for which it was ordained, but in defiance of the principles of the Union thus established, the people of the Northern States have assumed a revolutionary position towards the Southern States;

That they have set at defiance that provision of the Constitution which was intended to secure domestic tranquillity among the States and promote their general welfare, namely: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due;"

That they have by voluntary associations, individual agencies and State legislation interfered with slavery as it prevails in the slave-holding States;

That they have enticed our slaves from us, and by State inter-

vention obstructed and prevented their rendition under the fugitive slave law;[1]

That they continue their system of agitation obviously for the purpose of encouraging other slaves to escape from service, to weaken the institution in the slave-holding States by rendering the holding of such property insecure, and as a consequence its ultimate abolition certain;

That they claim the right and demand its execution by Congress to exclude slavery from the Territories, but claim the right of protection for every species of property owned by themselves;

That they declare in every manner in which public opinion is expressed their unalterable determination to exclude from admittance into the Union any new State that tolerates slavery in its Constitution, and thereby force Congress to a condemnation of that species of property;

That they thus seek by an increase of abolition States "to acquire two-thirds of both houses" for the purpose of preparing an amendment to the Constitution of the United States, abolishing slavery in the States, and so continue the agitation that the proposed amendment shall be ratified by the Legislatures of three-fourths of the States;

That they have in violation of the comity of all civilized nations, and in violation of the comity established by the Constitution of the United States, insulted and outraged our citizens when travelling among them for pleasure, health or business, by taking their servants and liberating the same, under the forms of State laws, and subjecting their owners to degrading and ignominious punishment;

That to encourage the stealing of our property they have put at defiance that provision of the Constitution which declares that fugitives from justice [escaping] into another State, on demand of the Executive authority of that State from which he fled, shall be delivered up;

[1] The South Carolina Declaration of Causes emphasized this charge. *Jour. of Convention of So. Car.*, 1860–61, *Appx.*, 329, 330; Rhodes, III, 147, 253; Nicolay & Hay, *Lincoln*, III, ch. ii; *Ante*, 284, note 1.

That they have sought to create domestic discord in the Southern States by incendiary publications;

That they encouraged a hostile invasion of a Southern State to excite insurrection, murder and rapine;

That they have deprived Southern citizens of their property and continue an unfriendly agitation of their domestic institutions, claiming for themselves perfect immunity from external interference with their domestic policy;

We of the Southern States alone made an exception to that universal quiet;

That they have elected a majority of Electors for President and Vice-President on the ground that there exists an irreconcilable conflict between the two sections of the Confederacy in reference to their respective systems of labor and in pursuance of their hostility to us and our institutions, thus declaring to the civilized world that the powers of this Government are to be used for the dishonor and overthrow of the Southern section of this great Confederacy. Therefore,

Be it resolved by the Legislature of the State of Mississippi, That in the opinion of those who now constitute the said Legislature, the secession of each aggrieved State is the proper remedy for these injuries.

[*Laws of Mississippi*, 1860, 43-45.]

Coercion or Compromise.

1861.

President Buchanan, Jan. 8, 1861, sent a special message to Congress relative to secession which evinced a much bolder tone in regard to the preservation of the Union, than his message of Dec. 3, 1860. (Richardson, V, 626-639, 655-659.) On Jan. 6, Governor Letcher, in his message at the opening of the session of the Virginia Legislature, declared that an attempt by federal troops to march through Virginia in order to employ force against a Southern State would be regarded as invasion and repelled by force. (*Virginia Documents*, 1861, No. I, xxiii.) These views were indorsed by the Legislature on the following day in the subjoined resolution. (*Acts of Va.*, 1861, 337.) On the other hand, the Legislature of New York, Jan. 14, passed resolutions commending the President's special message and tendering

"men and money" in support of the Union. The text of these resolutions follow. Similar resolutions were speedily passed by the Legislatures of Ohio, Maine, Wisconsin, Minnesota, Massachusetts, Pennsylvania, Michigan and Indiana. Ohio and Indiana, however, expressed themselves as opposed to all laws contrary to the constitution and laws of the United States and as averse to intermeddling with the internal affairs and domestic institutions of other states.

References for text of resolutions: *Laws of N. Y.*, 1861, 819, 820; *Acts of Ohio*, 1861, 175, 176; *Laws of Wis.*, 1861, 343–345; *Laws of Minn.*, 1861, 339–341; *Acts and Res. of Mass.*, 1860–61, 535, 585–591; *Laws of Penna.*, 1861, 725–727; *Acts of Mich.*, 1861, 579; *Laws of Ind.*, 1861, 188, 189; *House Misc. Docs.*, 36 *Cong.* 2 *sess.*, Nos. 22, 24, 26, 33.

The New York resolutions provoked denunciatory replies from several of the Southern States, especially from the border states. Already, Tenn., Jan. 16, had suggested that negotiations should be entered into with the President and the authorities of each of the Southern States to prevent all movements tending to coercion or collision. (*Acts of Tenn.*, 1861, 45.) Two days later upon receipt of the New York resolves, they replied that whenever any attempt was made to coerce a sovereign state of the South, "the people of Tennessee . . . will as one man resist such invasion of the soil of the South at any hazard and to the last extremity." (*Ibid.*, 46.) Gov. Letcher of Virginia, in his message of Jan. 17, transmitting the New York resolutions, denounced the same in severe language, declaring that "an attempt at coercion can have no other effect than to exasperate the people threatened to be coerced. Blood shed in civil strife can only enrich the soil, that must speedily produce a harvest of woe." (*Journal of Va. House of Delegates, Extra Session*, 1861, 51, 52.) The Legislature voted to return the resolutions to New York with a request that no similar document be again sent to them. (*Ibid.*, 52.) Although, Jan. 19, the Legislature invited the other states to a Peace Conference, (*Acts of Va.*, 1860–61, 338, 339.) which later assembled, it adopted resolutions, Jan. 21, announcing that "if all efforts to reconcile the unhappy differences existing between the two sections of the country shall prove to be abortive, then . . . every consideration of honor and interest demand that Virginia shall unite her destiny with the slave-holding states of the South." (*Acts of Va.*, 1861, 337.)

The Georgia secession convention replied, Jan. 18, by authorizing the transmission to New York of a resolution approving the conduct of Gov. Brown in taking possession of Ft. Pulaski by Georgia troops. (*Journal of Convention*, 1861, 26.) Texas, Feb. 1, and Missouri, Feb. 21, declared that if coercion was attempted they would make common cause with "their southern brethren" in resisting "such unconstitutional violence and tyrannical usurpation of power." (Texas, copy in *Va. Docs.*, 1861, No. 33, p. 7; *Laws of Mo.*, 1860–61, 773.) Kentucky also condemned coercion as "tending to the destruction of our common country." (*Acts of Ky.*, 1861, 49.)

In addition to the Virginia resolutions for a peace conference, five other states suggested a convention of the states. Tennessee, Jan. 22, proposed a convention of the slave-holding states at Nashville, Feb. 4, "to digest and define a basis upon which, if possible, the Federal Union and the constitutional rights of the slave states may be perpetuated and preserved," to be followed by a constitutional convention of all the states at Richmond, "to revise and perfect" such plan. (*Acts of Tenn.*, 1861, 49–52; *House Misc.*, 36 *Cong.* 2 *sess.*, No. 27.) Kentucky, Jan. 25., New Jersey, Jan. 29, Ohio and Indiana in March, proposed the calling of a convention to amend the constitution. Delaware approved of the Crittenden amendments. (*Acts of Ky.*, 1861, 47; *House Misc.*, Nos. 21, 31; *Acts of Ohio*, 1861, 181; *Va. Docs.*, 1861, Nos. xxi, xxv, xlii; *Laws of Del.*, 1861, 191.) Bibliography: Coercion; Nicolay and Hay, *Lincoln*, III, ch. xxv; Von Holst, VII, 270, 271, 441; McPherson, *Rebellion*, 5, 6; *Rebellion Record*, I, Docs. 21; Compromise Measures; Channing and Hart, *Guide*, § 207; *Cong. Globe* 36, *Cong.* 2 *sess.*, *Index*; *Journal of Senate Committee of Thirteen*; *Journal of House Committee of Thirty-three;* text of Crittenden Compromise, *Cong. Globe*, 114; Peace Conference Amendments, *Senate Misc. Docs.*, No. 20; Proposed XIII Amendment, *U. S. Stat. at L.*, XII, 251; also given in MacDonald, 438–446. General references: Ames, *Proposed Amendments*, 194–210; Bancroft in *Pol. Sci. Quar.*, VI, 401–423; Chittenden, *Report of the Debates and Proceedings of Peace Congress*; Report of Commissioners of Virginia to Peace Conference, *Virginia Docs.*, 1861, No. xxxviii; Coleman, *Life of Crittenden*, II, ch. xiii–xv; Curtis, *Buchanan*, II, ch. xxi; Davis, *Confed. Govt.*, I, Pt. III, ch. viii; Greeley, I, chs. xxiv, xxv; Nicolay and Hay, *Lincoln*, III, ch. xxvi–xxviii; III, chs. i, x–xv; Rhodes, III, chs. xiii, xiv; Smith, I, 328–347; Thorpe, II, ch. vi; Von Holst, VII, chs. ix–xi; Wilson, III, chs. vi–viii.

153. Virginia Denounces the Coercion of a State.

January 8, 1861.

Resolved by the General Assembly of Virginia, That the Union being formed by the assent of the sovereign States respectively, and being consistent only with freedom and the republican institutions guaranteed to each, cannot and ought not to be maintained by force.

That the government of the Union has no power to declare or make war against any of the States which have been its constituent members.

Resolved, That when any one or more of the States has deter-

mined, or shall determine, under existing circumstances, to withdraw from the Union, we are unalterably opposed to any attempt on the part of the federal government to coerce the same into reunion or submission, and that we will resist the same by all the means in our power.

[*Acts of Virginia*, 1861, 337.]

154. New York Tenders Aid in Support of the Union.

January 14, 1861.

Whereas, Treason, as defined by the Constitution of the United States, exists in one or more of the States of this Confederacy, and

Whereas, The insurgent State of South Carolina, after seizing the postoffice, custom house, moneys and fortifications of the federal government, has, by firing into a vessel ordered by the government to convey troops and provisions to Fort Sumter, virtually declared war; *And whereas*, The forts and property of the United States government in Georgia, Alabama and Louisiana have been unlawfully seized with hostile intentions; *And whereas further*, Senators in Congress avow and maintain their treasonable acts; therefore,

Resolved, That the Legislature of New York, profoundly impressed with the value of the Union, and determined to preserve it unimpaired, hail with joy the recent firm, dignified and patriotic special message of the President of the United States, and that we tender to him, through the chief magistrate of our own State, whatever aid in men and money he may require to enable him to enforce the laws and uphold the authority of the federal government. And that in defence of "the more perfect Union," which has conferred prosperity and happiness upon the American people, renewing the pledge given and redeemed by our fathers, we are ready to devote "our fortunes, our lives and our sacred honor in upholding the Union and the Constitution."

Resolved, That the Union-loving representatives and citizens of Delaware, Maryland, Virginia, North Carolina, Kentucky, Missouri and Tennessee, who labor with devoted courage and patri-

otism to withhold their States from the vortex of secession, are entitled to the gratitude and admiration of the whole people.

[Resolutions of Transmission.]

[*Laws of New York*, 1861, 819, 820.]

Extension of the Secession Movement.

1861.

The resolutions adopted by the caucus of southern senators, Jan. 5, 1861, advising immediate secession were promptly acted upon by the gulf states. (Res. in Nicolay and Hay, *Lincoln*, III, 180.) Mississippi was the first to follow South Carolina out of the Union. (*Ante*, 310.) The convention assembled Jan. 7, and on the 9th, adopted after an hour's consideration, an ordinance of secession, by a vote of 84 to 15. *Journal of the Convention*, 1861, 16, 119, 120. *A Declaration of the Immediate Causes which Induce and Justify Secession*, was adopted by the convention without dissent, Jan. 28, *Journal*, 86–88. This declaration supplementary to the earlier one, issued by the Legislature (*Ante*, 311), is of especial interest not only by reason of the arraignment of the free states, but also because it reveals to what extent the people regarded their interests as identified with slavery.

References for the secession of Mississippi: T. H. Woods, The Miss. Secession Convention of 1860, in *Miss. Hist. Soc. Pub.*, VI, 91–104; J. Davis, *Confed. Govt.*, I, 220–229; R. Davis, *Recollections*, 390 ff; Garner, *Reconstruction in Miss.*, 4–8; Nicolay and Hay, *Lincoln*, III, 183–185; Rhodes, III, 284; Cox, in *Atlantic Monthly*, LXIX, 382.

Dates and references for the ordinances of secession of the other states: Florida, Jan. 10. Copy of ordinance in Smith's *Debates of Alabama Convention*, 1861, *Appx.*, 417. Alabama, Jan. 11, Smith's *Debates*, 76, 77, 118; Address to the People, *Ibid.*, *Appx.*, 445–447; Georgia, Jan. 19, *Journal of the Convention*, 1861, 31, 32, 35; Report in justification of secession, drawn by Mr. Toombs, *Ibid.*, 104–113; Louisiana, Jan. 24, *Journal of the Convention*, 1861, 17, 18; Texas, Feb. 1, ratified by the people, Feb. 23, *Ordinances Passed by the State Convention*, 1861, 18, 19; Virginia, April 17, ratified May 23. *Ordinances Adopted by the Convention of Virginia*, *Appx. to Acts of Va.*, 1861, 3; Arkansas, May 6, *Rebellion Record*, I, 259, 260; North Carolina, May 20, *Journal of Convention*, 1861, 13–16; Tenn., May 7, by Legislature, ratified June 8, Appleton's *Annual Cyclopædia*, 1861, 680. Texts are also given in *Amer. History Leaflets*, No. 12; Moore, *Rebellion Records*, I, *Documents*; Appleton, *Annual Cyclopædia*, 1861. See also for documents McPherson, *Rebellion*, 2–47 *in passim*.

General references: Channing and Hart, *Guide*, § 206; *Annual Cyclopædia*, 1861, 696–708; Burgess, *Civil War*, ch. iv; Curtis, *Buchanan*, chs.

xv–xx; Davis, *Confed. Govt.*, I, 77–85, 199–226; Greeley, I, chs. xxii, xxvi, xxx; Johnston, II, ch. x; Morse, *Lincoln*, I, ch. vii; Nicolay and Hay, *Lincoln*, II, ch. xvii–xxv; III, ch. i, iii–xiii; Pollard, *Lost Cause*, ch. iv–v; Rhodes, III, ch. xiii, xv; Schouler, V, 468–491; VI, 1–49; Smith, I, 300–350; Stephens, *War Between the States*, II, xviii, xix, xxi; Thorpe, II, ch. v; Von Holst, VII, chs. vii, viii; Wilson, III, chs. i, iv–xli; Du Bose, *Yancey*, ch. xxiii, xxiv; Cleveland, *Stephens*, ch. vi, Speeches, *Ibid.*, 694–728; Stovall, *Toombs* ch. xx, Johnston, *Amer. Pol. Orations*, III, 230–322; *De Bow's Review*, vols. xxviii, xxix, *in passim*.

155. Mississippi on the Causes of Secession.

January 26, 1861.

A DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF THE STATE OF MISSISSIPPI FROM THE FEDERAL UNION.

In the momentous step which our State has taken of dissolving its connection with the government of which we so long formed a part, it is but just that we should declare the prominent reasons which have induced our course.

Our position is thoroughly identified with the institution of slavery—the greatest material interest of the world. Its labor supplies the product which constitutes by far the largest and most important portions of the commerce of the earth. These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition or a dissolution of the Union, whose principles had been subverted to work out our ruin.

That we do not overstate the dangers to our institutions a reference to a few unquestionable facts will sufficiently prove.

The hostility to this institution commenced before the adoption of the Constitution, and was manifested in the well-known Ordinance of 1787 in regard to the Northwestern Territory.

The feeling increased until in 1819–20 it deprived the South of more than half the vast territory acquired from France.

The same hostility dismembered Texas and seized upon all the territory acquired from Mexico.

It has grown until it denies the right of property in slaves, and refuses protection to that right on the high seas, in the Territories and wherever the government of the United States has jurisdiction.

It refuses the admission of new slave States into the Union, and seeks to extinguish it by confining it within its present limits, denying the power of expansion.

It tramples the original equality of the South under foot.

It has nullified the Fugitive Slave Law in almost every free State in the Union, and has utterly broken the compact which our fathers pledged their faith to maintain.

It advocates negro equality, socially and politically, and promotes insurrection and incendiarism in our midst.

It has enlisted the press, its pulpit and its schools against us until the whole popular mind of the North is excited and inflamed with prejudice.

It has made combinations and formed associations to carry out its schemes of emancipation in the States and wherever else slavery exists.

It seeks not to elevate or to support the slave, but to destroy his present condition without providing a better.

It has invaded a State, and invested with the honors of martyrdom the wretch whose purpose was to apply flames to our dwellings and the weapons of destruction to our lives.

It has broken every compact into which it has entered for our security.

It has given indubitable evidence of its design to ruin our agriculture, to prostrate our industrial pursuits and to destroy our social system.

It knows no relenting or hesitation in its purposes: it stops not in its march of aggression, and leaves us no room to hope for cessation or for pause.

It has recently obtained control of the Government by the prosecution of its unhallowed schemes, and destroyed the last expectation of living together in friendship and brotherhood.

Utter subjugation awaits us in the Union, if we should consent longer to remain in it. It is not a matter of choice, but of necessity. We must either submit to degradation and to loss of property worth four billions of money or we must secede from the Union framed by our fathers, to secure this as well as every other species of property. For far less cause than this our fathers separated from the Crown of England.

Our decision is made. We follow in their footsteps. We embrace the alternative of separation, and for the reasons here stated, we resolve to maintain our rights with the full consciousness of the justice of our course and the undoubting belief of our ability to maintain it.

[*Journal of the State Convention*, 1861, 86–88.]

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